

3

THE CONSTITUTIONALITY AND RIGHTFULNESS OF SECESSION.

SPEECH

OF

HON. ANDREW JOHNSON, OF TENNESSEE,

IN THE SENATE OF THE UNITED STATES,

ON TUESDAY AND WEDNESDAY, DECEMBER 18 AND 19, 1860.

The question pending being the Joint Resolution (S. No. 48) introduced by Mr. Johnson, on Thursday the 13th of December, 1860, proposing amendments to the Constitution of the United States.

Mr. JOHNSON, of Tennessee. Mr. President, by the joint resolution now before the Senate, three amendments to the Constitution of the United States are proposed. One proposes to change the mode of election of President and Vice President of the United States from the electoral college to a vote substantially and directly by the people. The second proposes that the Senators of the United States shall be elected by the people, once in six years, instead of by the Legislatures of the respective States. The third provides that the Supreme Court shall be divided into three classes: the term of the first class to expire in four years from the time that the classification is made; of the second class in eight years; and of the third class in twelve years; and as these vacancies occur they are to be filled by persons chosen, one half from the slave States and the other half from the non-slaveholding States, thereby taking the judges of the Supreme Court, from the respective divisions of the country.

Mr. President, if these amendments had been made, and the Constitution had been in the shape now proposed, I think the difficulties that are now upon the country would have been obviated. It would have been required that either the President or the Vice President should be taken from the South, and that would have destroyed, to some extent, the sectional character of our recent election.

The next provision of the amendment would require the votes cast for President and Vice President to be cast by districts; and if we are to take as an indication the returns to the House of Representatives of a majority of twenty-seven against the incoming Administration, it is pretty conclusive that a President differing in politics and sentiments from the one who has been recently elected would have been chosen. Each district would have voted directly for the President and Vice President of the United States. The individual having a majority of the votes in that district would be considered as receiving one electoral vote, just as we count the votes for one member of Congress. Hence, if all the votes in the respective districts had been cast on the same principle, we should in the next Congress have a

majority of twenty-seven in opposition to the incoming Administration in the House of Representatives; for they would have given us a majority in the electoral colleges. It seems to me, if these propositions were adopted and made a part of the Constitution, that, to a very great extent, the difficulty and complaint that is now manifested in different portions of the country would be obviated, and especially so with some improvement or modification of the law which provides for the restoration of fugitives from labor.

It is not my purpose, sir, to discuss these propositions to amend the Constitution in detail today, and I shall say but little more in reference to them and to their practical operation; but, as we are now, as it were, involved in revolution, (for there is a revolution, in fact, upon the country,) I think it behoves every man, and especially every one occupying a public place, to indicate, in some manner, his opinions and sentiments in reference to the questions that agitate and distract the public mind. I shall be frank on this occasion in giving my views and taking my positions, as I have always been upon questions that involve the public interest. I believe it is the imperative duty of Congress to make some effort to save the country from impending dissolution; and he that is unwilling to make an effort to preserve the Union, or, in other words, to preserve the Constitution, and the Union as an incident resulting from the preservation of the Constitution, is unworthy of public confidence, and the respect and gratitude of the American people.

In most that I shall say on this occasion I shall not differ very essentially from my southern friends. The difference will consist, as I think, from what I have heard and what I see published in the various periodicals of the day, in the mode and manner by which this great end is to be accomplished. Some of our southern friends think that secession is the mode by which these ends can be accomplished; that if the Union cannot be preserved in its spirit, by secession they will get those rights secured and perpetuated that they have failed to obtain within the Union. I am opposed to secession. I believe it is no remedy

for the evils complained of. Instead of acting with that division of my southern friends who take ground for secession, I shall take other grounds, while I try to accomplish the same end.

I think that this battle ought to be fought not outside, but inside of the Union, and upon the battlements of the Constitution itself. I am unwilling voluntarily to walk out of the Union which has been the result of a Constitution made by the patriots of the Revolution. They formed the Constitution; and this Union that is so much spoken of, and which all of us are so desirous to preserve, grows out of the Constitution; and I repeat, I am not willing to walk out of a Union growing out of the Constitution, that was formed by the patriots and, I may say, the soldiers of the Revolution. So far as I am concerned, and I believe I may speak with some degree of confidence for the people of my State, we intend to fight that battle inside and not outside of the Union; and if anybody must go out of the Union, it must be those who violate it. We do not intend to go out. It is our Constitution; it is our Union, growing out of the Constitution; and we do not intend to be driven from it or out of the Union. Those who have violated the Constitution either in the passage of what are denominated personal liberty bills, or by their refusal to execute the fugitive slave law—they having violated the instrument that binds us together—must go out and not we. I do not think we can go before the country with the same force of position demanding of the North a compliance with the Constitution and all its guarantees, if we violate the Constitution by going out ourselves, that we shall if we stand inside of the Constitution, demanding a compliance with its provisions and its guarantees; or if need be, as I think it is, to demand additional securities. We should make that demand inside of the Constitution, and in the manner and mode pointed out by the instrument itself. Then we keep ourselves in the right; we put our adversary in the wrong; and though it may take a little longer to accomplish the end, we take the right means to accomplish an end that is right in itself.

I know that sometimes we talk about compromises. I am not a compromiser, nor a conservative, in the usual acceptation of those terms. I have been generally considered radical, and I do not come forward to-day in anything that I shall say or propose, asking for anything to be done upon the principle of compromise. If we ask for anything, it should be for that which is right and reasonable in itself. It being right, those of whom we ask it, upon the great principle of right, are bound to grant it. Compromise! I know in the common acceptation of the term it is to agree upon certain propositions in which some things are conceded on one side and others conceded on the other. I shall go for enactments by Congress or for amendments to the Constitution, upon the principle that they are right and upon no other ground. I am not for compromising right with wrong. If we have no right, we ought not to demand it. If we are in the wrong, they should not grant us what we ask. I approach this momentous subject on the great principles of right, asking for nothing and demanding nothing but what is right in itself

and which every right-minded man and a right-minded community and a right-minded people, who wish the preservation of this Government, will be disposed to grant.

In fighting this battle, I shall do it upon the basis laid down by a portion of the people of my own State, in a large and very intelligent meeting. A committee of the most intelligent men in the country reported, in the shape of resolutions, to this meeting the basis upon which I intend to fight this great battle for our rights. They reported this resolution:

"Resolved, That we deeply sympathize with our sister southern States, and freely admit that there is good cause for dissatisfaction and complaint on their part, on account of the recent election of sectional candidates to the Presidency and Vice Presidency of the United States; yet we, as a portion of the people of a slaveholding community, are not for seceding or breaking up the union of these States until every fair and honorable means has been exhausted in trying to obtain, on the part of the non-slaveholding States, a compliance with the spirit and letter of the Constitution and all its guarantees; and when this shall have been done, and the States now in open rebellion against the laws of the United States, in refusing to execute the fugitive slave law, shall persist in their present unconstitutional course, and the Federal Government shall fail or refuse to execute the laws in good faith, it (the Government) will not have accomplished the great design of its creation, and will therefore, in fact, be a practical dissolution, and all the States, as parties, be released from the compact which formed the Union."

The people of Tennessee, irrespective of party, go on and declare further:

"That in the opinion of this meeting no State has the constitutional right to secede from the Union without the consent of the other States which ratified the compact. The compact, when ratified, formed the Union without making any provision whatever for its dissolution. It (the compact) was adopted by the States *in toto and forever, without reservation or condition*;" hence a secession of one or more States from the Union, without the consent of the others ratifying the compact, would be revolution, leading in the end to civil, and perhaps servile war. While we deny the right of a State, constitutionally, to secede from the Union, we admit the great and inherent right of revolution, abiding and remaining with every people, but a right which should not be exercised, except in extreme cases, and in the last resort, when grievances are without redress, and oppression has become intolerable."

They declare further:

"That in our opinion, we can more successfully resist the aggression of Black Republicanism by remaining within the Union, than we can by going out of it; and more especially so, while there is a majority of both branches in the National Legislature opposed to it, and the Supreme Court of the United States is on the side of law and the Constitution."

They go on, and declare further:

"That we are not willing to abandon our northern friends who have stood by the Constitution of the United States, and in standing by it have vindicated our rights, and in their vindication have been struck down; and now, in their extremity, we cannot and will not desert them by seceding, or otherwise breaking up the Union."

This is the basis upon which a portion of the people of Tennessee, irrespective of party, propose to fight this battle. We believe that our true position is inside of the Union. We deny the doctrine of secession; we deny that a State has the power, of its own volition, to withdraw from the Confederacy. We are not willing to do an unconstitutional act, to induce or to coerce others to comply with the Constitution of the United States. We prefer complying with the Constitu-

tion and fighting our battle, and making our demand inside of the Union.

I know, Mr. President, that there are some who believe—and we see that some of the States are acting on that principle—that a State has the right to secede; that, of its own will, it has a right to withdraw from the Confederacy. I am inclined to think, and I know it is so in fact, that in many portions of the country this opinion has resulted from the resolutions of your own State, sir, [Mr. Mason in the chair.] of 1798 and 1799. I propose to-day to examine that subject, for I know from the examination of it that there has been a false impression made upon my own mind in reference to those resolutions, and the power proposed to be exercised by a State in seceding upon its own will. When we come to examine those resolutions, we find that the third reads as follows:

"That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them."

The phraseology of the Kentucky resolutions is somewhat broader and more extensive than that a State, of its own will, has the right to secede or withdraw from the Union. The Kentucky resolution goes on to declare that a State has the right to judge of the infraction of the Constitution, as well as the mode and measure of redress. This is what is declared by that resolution which is repeated by so many in speeches and publications made through the country. Now, let Mr. Madison speak for himself as to what he meant by that resolution. Mr. Madison, in his report upon those resolutions, goes on and states expressly that in the resolution the word "States" is used, notwithstanding the word "respective" is used.

Mr. Madison says:

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of parties, the parties themselves must be the rightful judges, in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the Constitution, that it rests on this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity, that there can be no tribunal above their authority, to decide, in the last resort, whether the compact made by them be violated; and, consequently, that, as the parties to it, they must themselves [that is the States] decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."

"The States" is the idea that is kept up through the report. He further remarks:

"But the resolution has done more than guard against misconstruction, by expressly referring to cases of a *deliberate, palpable, and dangerous* nature. It specifies the object of the interposition, which it contemplates to be solely that of arresting the progress of the *evil* of usurpation, and

of maintaining the authorities, rights, and liberties appertaining to the States, as parties to the Constitution."

Now we find, by the examination of this subject, that Mr. Madison, in his report, explains it, and repudiates the idea that a State, as a member of the compact, has a right to judge of an infraction of the Constitution or any other grievance, and, upon its own volition, withdraw from the Confederacy. I will here read a letter of Mr. Madison to Nicholas P. Trist, in explanation of this very proposition:

"MONTPELIER, December 23, 1832.

"DEAR SIR: I have received yours of the 19th, inclosing some South Carolina papers. There are in one of them some interesting views of the doctrine of secession, among which one that had occurred to me, and which for the first time I have seen in print, namely: that if one State can at will withdraw from the others, the others can withdraw from her, and turn her, *non volenter volenter*, out of the Union.

"Until of late there is not a State that would have abhorred such a doctrine more than South Carolina, or more dreaded an application of it to herself. The same may be said of the doctrine of nullification, which she now preaches in the only doctrine by which the Union can be saved.

"I partake of the wonder that the men you name should view secession in the light mentioned. The essential difference between a free Government and a Government not free is, that the former is founded in compact, the parties to which are mutually and equally bound by it. Neither of them, therefore, can have a greater right to break off from the bargain than the other or others have to hold him to it; and certainly there is nothing in the Virginia resolutions of 1798 adverse to this principle, which is that of common sense and common justice.

"The fallacy which draws a different conclusion from them lies in confounding a single party with the parties to the constitutional compact of the United States. The latter, having made the compact, may do what they will with it. The former, as one of the parties, owes fidelity to it till released by consent or absolved by an intolerable abuse of the power granted. In the Virginia resolutions and report the *one* number (States) is in every instance used whenever reference is made to the authority which presided over the Government."

He says the plural is used; that "States" is the word that is used; and when we turn to the resolution we find it just as Mr. Madison represents it, thereby excluding the idea that a State can separately and alone determine the question, and have the right to secede from the Union.

"As I am now known to have drawn those documents. I may say, as I do with a distinct recollection, that it was intentional. It was in fact required by the course of reasoning employed on the occasion. The Kentucky resolutions, being less guarded, have been more easily perverted. The pretext for the liberty taken with those of Virginia is the word 'respective' prefixed to the 'rights, &c.' to be secured within the States. Could the abuse of the expression have been foreseen or suspected, the form of it would doubtless have been varied. But what can be more consistent with common sense than that all having the right, &c., should unite in contending for the security of them to each?

"It is remarkable how closely the nullifiers, who make the name of Mr. Jefferson the pedestal for their colossal heresy, shut their eyes and lips whenever his authority is ever so clearly and emphatically against them. You have noticed what he says in his letters to Monroe and Carrington (pp. 43 and 203, vol. 2) with respect to the power of the old Congress to coerce delinquent States; and his reason for preferring for the purpose a naval to a military force; and, moreover, his remark that it was not necessary to find a right to coerce in the Federal articles, that being inherent in the nature of a compact. It is high time that the claim to secede at will should be put down by the public opinion, and I am glad to see the task commenced by one who understands the subject.

"I know nothing of what is passing at Richmond more than what is seen in the newspapers. You were right in your foresight of the effect of passages in the late procla-

mation. They have proven a leaven for much fermentation there, and created an alarm against the danger of consolidation balancing that of disunion.

"With cordial salutations,

"JAMES MADISON.

"NICHOLAS P. TRIST."

I have another letter of Mr. Madison, written in 1833, sustaining and carrying out the same interpretation of the resolutions of 1798 and 1799. I desire to read some extracts from that letter. Mr. Madison says:

"Much use has been made of the term 'respective' in the third resolution of Virginia, which asserts the right of the *States*, in case of sufficient magnitude, to interpose 'for maintaining within their *respective* limits the authorities, &c., appertaining to them; the term 'respective' being construed to mean a constitutional right in *each State, separately*, to decide on and resist by force encroachments within its limits. A foresight or apprehension of the misconstruction might easily have guarded against it. But, to say nothing of the distinction between ordinary and extreme cases, it is observable that in this, as in other instances throughout the resolutions, the plural number (*States*) is used in referring to them; that a concurrence and co-operation of all might well be contemplated in interpositions for effecting the objects within reach; and that the language of the closing resolution corresponds with this view of the third. The course of reasoning in the report on the resolutions required the distinction between *a State* and *the States*.

"It surely does not follow, from the fact of the *States*, or rather the people embodied in them, having, as parties to the constitutional compact, no tribunal above them, that in controverted meanings of the compact, a minority of the parties can rightfully decide against the majority, still less that a single party can decide against the rest, and as little that it can at will withdraw itself altogether from its compact with the rest.

"The characteristic distinction between free governments and governments not free, is that the former are founded on compact, not between the government and those for whom it acts, but among the parties creating the government. Each of these being equal, neither can have more right to say that the compact has been violated and dissolved than every other has to deny the fact, and to insist on the execution of the bargain. An inference from the doctrine that a single State has a right to secede at will from the rest, is that the rest would have an equal right to secede from it; in other words to turn it, against its will, out of its union with them. Such a doctrine would not, till of late, have been palatable anywhere, and nowhere less so than where it is now most contended for."

When these letters are put together they are clear and conclusive. Take the resolutions; take the report; take Mr. Madison's expositions of them in 1832 and 1833; his letter to Mr. Trist; his letter to Mr. Webster; his letter to Mr. Rives; and when all are summed up, this doctrine of a State, either assuming her highest political attitude or otherwise, having the right, of her own will, to dissolve all connection with this Confederacy, is an absurdity, and contrary to the plain intent and meaning of the Constitution of the United States. I hold that the Constitution of the United States makes no provision, as said by the President of the United States, for its own destruction. It makes no provision for breaking up the Government, and no State has the constitutional right to secede and withdraw from the Union.

In July, 1788, when the Constitution of the United States was before the convention of New York for ratification, Mr. Madison was in the city of New York. Mr. Hamilton, who was in the convention, wrote a letter to Mr. Madison to know if New York could be admitted into the

Union with certain reservations or conditions. One of those reservations or conditions was, as Mr. Hamilton says in his letter, that they should have the privilege of receding within five or seven years if certain alterations and amendments were not made to the Constitution of the United States. Mr. Madison, in reply to that letter, makes use of the following emphatic language, which still further corroborates and carries out the idea that the Constitution makes no provision for breaking up the Government, and that no State has a right to secede. Mr. Madison says:

"NEW YORK, Sunday evening.

"MY DEAR SIR: Yours of yesterday is this instant come to hand; and I have but a few minutes to answer it. I am sorry that your situation obliges you to listen to propositions of the nature you describe. My opinion is, that a reservation of a right to withdraw if amendments be not decided on under the form of the Constitution within a certain time, is a *conditional* ratification; that it does not make New York a member of the new Union, and consequently that she could not be received on that plan. Compacts must be reciprocal—this principle would not in such a case be preserved. The Constitution requires an adoption *in toto* and *forever*."

This is the language of James Madison.

"It has been so adopted by the other States. An adoption for a limited time would be as defective as an adoption of some of the articles only. In short, any *condition* whatever must vitiate the ratification. What the new Congress, by virtue of the power to admit new States, may be able and disposed to do in such case, I do not inquire, as I suppose that is not the material point at present. I have not a moment to add more than my fervent wishes for your success and happiness. The idea of reserving a right to withdraw was started at Richmond, and considered as a conditional ratification, which was itself abandoned as worse than a rejection.

"Yours,

JAMES MADISON, Jr."

I know it is claimed, and I see it stated in some of the newspapers, that Virginia and some of the other States made a reservation, upon the ratification of the Constitution, that certain conditions were annexed; that they came in upon certain conditions, and therefore they had a right, in consequence of those conditions, to do this or the other thing. When we examine the journal of the convention, we find that no mention is made of any reservation on the ratification of the Constitution by the State of Virginia. We find that Mr. Madison says, in his letter to Mr. Hamilton, that this idea was first mooted at Richmond, and was abandoned as worse than a rejection. His letter was written after the ratification of the Constitution of the United States by the State of Virginia: hence he spoke with a knowledge of the fact that no reservation was made: but if it had been made by one of the parties, and not sanctioned by the other parties to the compact, what would it have amounted to? Then we see that Mr. Madison repudiates the doctrine that a State has the right to secede. We see that his resolutions admit of no such construction. We see that Mr. Madison, in his letter to Mr. Hamilton, puts the interpretation that this Constitution was adopted *in toto* and *forever*, without reservation and without condition.

I know that the inquiry may be made, how is a State, then, to have redress? There is but one way, and that is expressed by the people of Tennessee. You have entered into this compact; it was mutual; it was reciprocal; and you of your

own volition have no right to withdraw and break the compact, without the consent of the other parties. What remedy, then, has the State? It has a remedy that remains and abides with every people upon the face of the earth. When grievances are without a remedy, or without redress; when oppression becomes intolerable, they have the great, the inherent right of revolution.

Sir, if the doctrine of secession is to be carried out upon the mere whim of a State, this Government is at an end. I am as much opposed to a strong, or what may be called by some a consolidated Government, as it is possible for a man to be; but while I am greatly opposed to that, I want a Government strong enough to preserve its own existence; that will not fall to pieces by its own weight or whenever a little dissatisfaction takes place in one of its members. If the States have the right to secede at will and pleasure, for real or imaginary evils or oppressions, I repeat again, this Government is at an end; it is not stronger than a rope of sand; its own weight will crumble it to pieces, and it cannot exist. Notwithstanding this doctrine may suit some who are engaged in this perilous and impending crisis that is now upon us, duty to my country, duty to my State, and duty to my kind, require me to avow a doctrine that I believe will result in the preservation of the Government, and to repudiate one that I believe will result in its overthrow, and the consequent disasters to the people of the United States.

If a State can secede at will and pleasure, and this doctrine is maintained, why, I ask, on the other hand, and as Mr. Madison argues in one of his letters, cannot a majority of the States combine and reject a State out of the Confederacy? Have a majority of these States, under the compact that they have made with each other, the right to combine and reject any one of the States from the Confederacy? They have no such right; the compact is reciprocal. It was ratified without reservation or condition, and it was ratified "*in toto* and forever;" such is the language of James Madison; and there is but one way to get out of it without the consent of the parties, and that is, by revolution.

I know that some touch the subject with trembling and fear. They say, here is a State that, perhaps by this time, has seceded, or if not, she is on the road to secession, and we must touch this subject very delicately; and that if the State secedes, conceding the power of the Constitution to her to secede, you must talk very delicately upon the subject of coercion. I do not believe the Federal Government has the power to coerce a State; for by the eleventh amendment of the Constitution of the United States it is expressly provided that you cannot even put one of the States of this Confederacy before one of the courts of the country as a party. As a State, the Federal Government has no power to coerce it; but it is a member of the compact to which it agreed in common with the other States, and this Government has the right to pass laws, and to enforce those laws upon individuals within the limits of each State. While the one proposition is clear, the other is equally so. This Government can, by the Constitution of the country and by the

laws enacted in conformity with the Constitution, operate upon individuals, and has the right and the power, not to coerce a State, but to enforce and execute the law upon individuals within the limits of a State.

I know that the term, "to coerce a State," is used in an *ad captandum* manner. It is a sovereignty that is to be crushed! How is a State in the Union? What is her connection with it? All the connection she has with the other States is that which is agreed upon in the compact between the States. I do not know whether you may consider it in the Union or out of the Union, or whether you simply consider it a connection or a disconnection with the other States; but to the extent that a State nullifies or sets aside any law or any provision of the Constitution, to that extent it has dissolved its connection, and no more. I think the States that have passed their personal liberty bills, in violation of the Constitution of the United States, coming in conflict with the fugitive slave law, to that extent have dissolved their connection, and to that extent it is revolution. But because some of the free States have passed laws violative of the Constitution; because they have, to some extent, dissolved their connection with this Government, does that justify us of the South in following that bad example? Because they have passed personal liberty bills, and have, to that extent, violated the compact which is reciprocal, shall we turn round, on the other hand, and violate the Constitution by coercing them to a compliance with it? Will we do so?

Then I come back to the starting point: let us stand in the Union and upon the Constitution; and if anybody is to leave this Union, or violate its guarantees, it shall be those who have taken the initiative, and passed their personal liberty bills. I am in the Union, and intend to stay in it. I intend to hold on to the Union, and the guarantees under which this Union has grown; and I do not intend to be driven from it, nor out of it, by their unconstitutional enactments.

Then, Mr. President, suppose, for instance, that a fugitive is arrested in the State of Vermont tomorrow, and under the personal liberty bill of that State, or the law—I do not remember its precise title now—which prevents, or is intended to prevent, the faithful execution of the fugitive slave law, Vermont undertakes to rescue him, and prevent the enforcement of the law: what is it? It is nullification; it is resistance to the laws of the United States, made in conformity with the Constitution; it is rebellion; and it is the duty of the President of the United States to enforce the law, at all hazards and to the last extremity. And, if the Federal Government fails or refuses to execute the laws made in conformity with the Constitution, and those States persist in their violation, and let those unconstitutional acts remain upon their statute-books, and carry them into practice; if the Government, on the one hand, fails to execute the laws of the United States, and those States, by their enactments, violate them on the other, the Government is at an end, and the parties are all released from the compact.

Mr. COLLAMER explained that the Vermont legislation, to which allusion had been made, was

anterior to the passage of the fugitive slave law; and besides, the laws of Vermont were referred to a board of revision, by which, as well as by the courts of that State, no enactment would be sanctioned that was in conflict with the Constitution of the United States.

Mr. JOHNSON, of Tennessee. I do not think the honorable Senator's explanation is entirely satisfactory, inasmuch as, though one law was anterior, another was passed in 1858. The Senator is a lawyer; he has presided in the courts of his State; and he has been a long time in the councils of the country; and therefore I had reason to expect a direct answer.

I think it will be determined by the courts and by the judgment of the country, that the acts passed in 1850 and 1858 by the Legislature of Vermont are a violation, a gross, palpable violation of the Constitution of the United States. It is clear and conclusive to my mind, that a State passing an unconstitutional act intended to impede or to prevent the execution of a law passed by the Congress of the United States which is constitutional, is thereby placed, so far as the initiative is concerned, in a state of rebellion. It is an open act of nullification. I am not aware that there has been any attempt in Vermont to wrest any persons out of the hands of the officers of the United States, or to imprison or to fine any person under the operation of this law; but the passage of such an act is to initiate rebellion. I think it comes in conflict directly with the spirit and letter of the Constitution of the United States, and to that extent is an act of nullification, and places the State in open rebellion to the United States.

I have stated that there is no power conferred upon the Congress of the United States, by the Constitution, to coerce a State in its sovereign capacity; that there is no power on the part of the Congress of the United States even to bring a State into the supreme tribunal of the country. You cannot put a State at the bar of the Supreme Court of the United States. The Congress of the United States has the power to pass laws to operate upon individuals within the limits of a State, by which all the functions of this Government can be executed and carried out; and if Vermont, either by an act of secession, which I take to be unconstitutional, or without first having seceded from the Union of the States by open force, in conformity with the laws of the State, should resist or attempt to resist the execution of the laws of the United States, it would be a practical rebellion, an overt act; and this Government has the authority under the Constitution to enforce the laws of the United States, and it has the authority to call to its aid such means as are deemed necessary and proper for the execution of the laws, even if it were to lead to the calling out of the militia, or calling into service the Army and Navy of the United States to execute the laws. This principle applies to every State placing herself in an attitude of opposition to the execution of the laws of the United States.

I do not think it necessary, in order to preserve this Union, or to keep a State within its sphere, that the Congress of the United States should have the power to coerce a State. All that is ne-

cessary is for the Government to have the power to execute and to carry out all the powers conferred upon it by the Constitution, whether they apply to the State or otherwise. This, I think, the Government clearly has the power to do; and so long as the Government executes all the laws in good faith, denying the right of a State constitutionally to secede, so long the State is in the Union, and subject to all the provisions of the Constitution and the laws passed in conformity with it. For example: the power is conferred on the Federal Government to carry the mails through the several States; to establish post offices and post roads; to establish courts in the respective States; to lay and collect taxes, and so on. The various powers are enumerated, and each and every one of these powers the Federal Government has the constitutional authority to execute within the limits of the States. It is not an invasion of a State for the Federal Government to execute its laws, to take care of its public property, and to enforce the collection of its revenue; but if, in the execution of the laws; if, in the enforcement of the Constitution, it meets with resistance, it is the duty of the Government, and it has the authority, to put down resistance, and effectually to execute the laws as contemplated by the Constitution of the country.

But this is a diversion from the line of my argument. I was going on to show that, according to the opinions of the fathers, not only of the country but of the Constitution itself, no State, of its own volition, has the right to withdraw from the Confederacy after having entered into the compact. I have referred to the last letter Mr. Madison wrote upon this subject—at least it is the last one that I have been able to find—in which he summed up this subject in a conclusive and masterly manner. In his letter to Mr. Webster of March 15, 1833, upon the receipt of Mr. Webster's speech, after the excitement had subsided to some extent and the country had taken its stand, Mr. Madison said:

"The Constitution of the United States being established by a competent authority, by that of the sovereign people of the several States who were parties to it, it remains only to inquire what the Constitution is; and here it speaks for itself. It organizes a Government into the usual legislative, executive, and judiciary departments; invests it with specified powers, leaving others to the parties to the Constitution. It makes the Government, like other Governments, to operate directly on the people; places at its command the needful physical means of executing its powers; and finally proclaims its supremacy, and that of the laws made in pursuance of it, over the constitutions and laws of the States, the powers of the Government being exercised, as in other elective and responsible Governments, under the control of its constituents, people, and the Legislatures of the States, and subject to the revolutionary rights of the people in extreme cases."

"Such is the Constitution of the United States *de jure* and *de facto*; and the name, whatever it be, that may be given to it, can make it nothing more or less than what it is."

This is clear and conclusive, so far as Mr. Madison goes on the subject. I have already shown that in 1789, in making his report upon the Virginia resolutions, he gave the true interpretation to those resolutions, and explained what was meant by the word "respective" before "States." In his letter, in 1832, to Mr. Rives, and in his

letter of 1832, to Mr. Trist, having had time to reflect on the operation of the various provisions of the Constitution upon the country, in the decline of life, when he had seen the experiment fairly made, when his mind was matured upon every single point and provision in the Constitution, he, at that late period, sums up the doctrine and comes to the conclusion that I am contending for on the present occasion.

In addition to this, Mr. Jefferson, who prior to the formation of the Constitution was in Paris, writing letters on the subject of the formation of a stable Government here, saw the great defect in the Federal head under the old Articles of Confederation, and he pointed with the unerring finger of philosophy and certainty to what is now in the Constitution, as what was wanting in the old Articles of Confederation. Mr. Jefferson, in his letter to Colonel Monroe, dated Paris, August 11, 1786, speaks thus:

"There never will be money in the Treasury till the Confederacy shows its teeth. The States must see the rod; perhaps it must be felt by some one of them. I am persuaded all of them would rejoice to see every one obliged to furnish them which beggars the Treasury, but the fear that others will not furnish as much. Every rational citizen must wish to see an effective instrument of coercion, and should fear to see it on any other element than the water."

Here Mr. Jefferson, seeing the difficulty that, under the old Articles of Confederation, the Federal Government had not the power to execute its laws, that it could not collect revenue, points to what should be in the Constitution of the United States when formed. Mr. Jefferson, upon the same idea which was in his mind, and which was afterwards embodied in the Constitution, said, in a letter to E. Carrington, dated Paris, August 4, 1787:

"I confess I do not go as far in the reforms thought necessary, as some of my correspondents in America; but if the convention should adopt such propositions, I shall suppose them necessary. My general plan would be, to make the States one as to everything connected with foreign nations, and several as to everything purely domestic. But, with all the imperfections of our present Government, it is without comparison the best existing, or that ever did exist. Its greatest defect is the imperfect manner in which matters of commerce have been provided for. It has been so often said, as to be generally believed, that Congress have no power by the Confederation to enforce anything—for example, contributions of money. It was not necessary to give them that power expressly; they have it by the law of nature. When two parties make a compact, there results to each a power of compelling the other to execute it."

If it was not even expressed in the Constitution, the power to preserve itself and maintain its authority would be possessed by the Federal Government upon the great principle that it must have the power to preserve its own existence. But we find that, in plain and express terms, this authority is delegated. The very powers that Mr. Jefferson pointed out as being wanting in the old Government, under the Articles of Confederation, are granted by the Constitution of the United States to the present Government by express delegation. Congress has the power to lay and collect taxes; Congress has the power to pass laws to restore fugitives from labor escaping from one State into another; Congress has the power to establish post offices and post roads; Congress has the power to establish courts in the different States; and having

these powers, it has the authority to do everything necessary to sustain the collection of the revenue, the enforcement of the judicial system, and the carrying of the mails. Because Congress, having the power, undertakes to execute its laws, it will not do to say that the Government is placed in the position of an aggressor. Not so. It is only acting within the scope of the Constitution, and in compliance with its delegated powers. But a State that resists the exercise of those powers becomes the aggressor, and places itself in a rebellious or nullifying attitude. It is the duty of this Government to execute its laws in good faith. When the Federal Government shall fail to execute all the laws that are made in strict conformity with the Constitution, if our sister States shall pass laws violative of that Constitution, and obstructing the laws of Congress passed in conformity with it, then, and not till then, will this Government have failed to accomplish the great objects of its creation. Then it will be at an end, and all the parties to the compact will be released.

But I wish to go a little further into the authorities as to the power of a State to secede from the Union, and to quote an opinion of Judge Marshall, given at a very early day. I know it is very common to denounce him as a Federalist; but I care not where the truth comes from, or where a sound argument may be found to sustain a proposition that is right in itself, I am willing to adopt it; and I have put myself to the trouble to hunt up these unquestionable authorities on this subject, knowing that they would have more influence before the country, and before my constituents, than anything that I could say. Though I am not a lawyer, though I have not made the legal profession my study and my pursuit, I claim to have some little common sense and understanding as to the application of general principles. I find that Judge Marshall, in speaking on the question of the right of a State upon its own volition to go out of the Confederacy, in the case of *Cochans vs. Virginia*, said:

"It is very true, that whenever hostility to the existing system shall become universal"—

That is, the system of our Government—"it will be also irresistible. The people made the Constitution, and the people can unmake it."

I care not whether he speaks here of the people in the aggregate or not. The application of the principle is just as clear, whether you say the people, through the States, made the Constitution, or leave out the qualifying words "through the States."

"It is the creature of their will, and lives only by their will. But this supreme and irresistible power to make and unmake resides only in the whole body of the people; not in any subdivision of them. The attempt of any of the parts to exercise it is usurpation, and ought to be repelled by those to whom the people have delegated their power of repelling it."—*Wheaton's Reports*, vol. 6, p. 389.

Now, whether you apply that, in a general sense, to the people in the aggregate, or to the States occupying the same relation to the Federal Government that the people do to the States, the principle is just the same; and when you speak of States ratifying and making the Constitution of the United States, one State, an ingredient—one of the community that made the Constitution—

has no right, without the consent of the other States, to withdraw from the compact, and set the Constitution at naught. It is the principle that I seek; and the principle applies as well to a community of States as it does to a community of individuals. Admitting that this Federal Government was made by a community of States, can one of that community of States, of its own will, without the consent of the rest, where the compact is reciprocal, set it aside, and withdraw itself from the operation of the Government? I have given you the opinion of Judge Marshall, one of the most distinguished jurists that ever presided in this country, though he is called by some a Federalist. His mind was clear; he lived in that day when the Constitution should be understood, and when it was understood—in the days of Madison and Jefferson; and this is his opinion upon that subject, as far back as 1821.

In this connection, I would call the attention of the Senate to General Jackson's views upon this subject; and I would also call their attention to Mr. Webster's views, if it were necessary, for he is conceded, by some at least, to be one of the most able expounders of the Constitution of the United States. General Jackson, though not celebrated for his legal attainments, was celebrated for his sagacity, his strong common sense, his great intuitive power of reaching correct conclusions, and understanding correct principles. In 1833, General Jackson, in his proclamation, takes identically the same ground; and declares that, first, a State has no power of itself to nullify a law of Congress within its limits; and next, that notwithstanding a State may claim to have seceded, it has no constitutional power to withdraw itself from the Union of the States, and thereby set at naught the laws and the Constitution. He argues this question forcibly and clearly; and comes to the unerring conclusion, according to my judgment, that no State has the constitutional power to withdraw itself from this Confederacy without the consent of the other States; and it may do good to reproduce his views on the subject. He says, in his famous proclamation, speaking of the nullification ordinance of South Carolina:

"And whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union—that Union which, eoval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equaled in the history of nations. To preserve this bond of our political existence from destruction; to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, ANDREW JACKSON, President of the United States, have thought proper to issue this my proclamation, stating my views of the Constitution and the laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention."

He argues the question at length:

"This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States, who have preserved their whole sovereignty, and therefore are subject to no superior; that because they made the compact they can break it when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests." * * *

"The people of the United States formed the Constitution, acting through the State Legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction show it to be a Government in which the people of all the States collectively are represented. We are ONE PEOPLE in the choice of the President and Vice President. Hence the States have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of the States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the executive branch."

* * * * *

"The Constitution of the United States, then, forms a Government, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a Government in which all the people are represented; which operates directly on the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, cannot, from that period, possess any right to secede; because such secession does not break a league but destroys the unity of a nation; and any injury to that unity is not only a breach, which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may, at pleasure, secede from the Union, is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right but would pause before they made a revolution, or incurred the penalties consequent on a failure.

"Because the Union was formed by compact, it is said to parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken, with no other consequence than moral guilt; if it have a sanction, then the breach insures the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A Government, on the contrary, always has a sanction expressed or implied; and, in our case, it is both necessarily implied and expressly given. An attempt, by force of arms, to destroy a Government, is an offense by whatever means the constitutional compact may have been formed, and such Government has the right, by the law of self-defense, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant, provision has been made for punishing acts which obstruct the due administration of the laws." * * *

"It treats, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed, in this sovereign capacity, a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so, have been anticipated.

"The States, severally, have not retained their entire sovereignty. It has been shown that in becoming parts of

a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States; they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers it vested in Congress. This last position has not been, and cannot be, denied. How, then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty is, that they expressly ceded the right to punish treason, not treason against their separate power, but treason against the United States. Treason is an offense against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred, because they have, for their common interest, made the General Government the depository of those powers."

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"So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interest and opinions. Can these sacrifices be recalled? Can the States, who magnanimously surrendered their title to the territories of the West, recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf for their own benefit? Shall there be a free port in one State, and onerous duties in another? No man believes that any right exists in a single State to involve all the others in these and countless other evils, contrary to the engagement solemnly made. Every one must see that the other States, in self-defense, must oppose it at all hazards."

Having traveled thus far, the question arises, in what sense are we to construe the Constitution of the United States? I assume what is assumed in one of Mr. Madison's letters, that the Constitution was formed for perpetuity; that it never was intended to be broken up. It was commenced, it is true, as an experiment; but the founders of the Constitution intended that this experiment should go on; and by way of making it perpetual, they provided for its amendment. They provided that this instrument could be amended and improved, from time to time, as the changing circumstances, as the changing pursuits, as the changing notions of men might require; but they made no provision whatever for its destruction. The old Articles of Confederation were formed for the purpose of making "a perpetual union." In 1781, when the convention concluded their deliberations and adopted the Constitution, what do they say in the very preamble of that Constitution? Having in their mind the idea that was shadowed forth in the old Articles of Confederation, that the Union was to be perpetual, they say, at the commencement, that it is to make "a more perfect union" than the union under the old Articles of Confederation, which they called "perpetual."

What furthermore do we find? The Constitution of the United States contains a provision that it is to be submitted to the States respectively for their ratification; but on nine States ratifying it, it shall be the Constitution for them. In that way the Government was created; and in that way provision was made to perfect it. What more do we find? The Constitution, as I have just remarked, provides for its own amendment,

its improvement, its perpetuation, its continuance, by pointing out and by prescribing the mode and manner in which improvements shall be made. That still preserves the idea that it is to be perpetual. We find, in addition, a provision that Congress shall have power to admit new States.

Hence, in traveling along through the instrument, we find how the Government is created, how it is to be perpetuated, and how it may be enlarged in reference to the number of States constituting the Confederacy; but do we find any provision for winding it up, except on that great inherent principle that it may be wound up by the States—not by a State, but by the States which spoke it into existence—and by no other means. That is a means of taking down the Government that the Constitution could not provide for. It is above the Constitution; it is beyond any provision that can be made by mortal man.

Now, to expose the absurdity of the pretension that there is a right to secede, let me press this argument little further. The Constitution has been formed; it has been made perfect, or, in other words, means have been provided by which it can be made perfect. It was intended to be perpetual. In reference to the execution of the laws under it, what do we find? As early as 1795, Congress passed an excise law, taxing distilleries throughout the country, and what were called the whisky boys of Pennsylvania resisted the law. The Government wanted means. It taxed distilleries. The people of Pennsylvania resisted it. What is the difference between a portion of the people resisting a constitutional law, and all of the people of a State doing so? But because you can apply the term coercion in one case to a State, and in the other call it simply the execution of the law against individuals, you say there is a great distinction! We do not assume the power to coerce a State, but we assume that Congress has power to lay and collect taxes, and Congress has the right to enforce that law when obstructions and impediments are opposed to its enforcement. The people of Pennsylvania did object; they did resist and oppose the legal authorities of the country. Was that law enforced? Was it called coercion at that day to enforce it? Suppose all the people of the State of Pennsylvania had resisted: would not the law have applied with just the same force, and would it not have been just as constitutional to execute it against all the people of the State, as it was to execute it upon a part of their citizens?

George Washington, in his next annual message to the Congress of the United States, referred to the subject; and it will be seen what George Washington considered to be his duty in the execution of the laws of the United States upon the citizens of the States:

"Thus the painful alternative could not be disengaged. I ordered the militia to march, after once more admonishing the insurgents, in my proclamation of the 25th of September last.

"It was a task too difficult, to ascertain with precision the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow-citizens belonging to the militia, it would

have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put in motion fifteen thousand men, as being an army which, according to all human calculation, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the States of New Jersey, Pennsylvania, Maryland, and Virginia; the Governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other States.

"As commander-in-chief of the militia, when called into the actual service of the United States, I have visited the places of general rendezvous, to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for persuasion that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and homes. But succeeding intelligence has tended to unmask the necessity of what has been done; it being now confessed by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit inimical to all order has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the Army, it would not have been withdrawn. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of Government, leaving the chief command with the Governor of Virginia." * * * *

"While there is cause to lament that occurrences of this nature should have disgraced the name or interrupted the tranquillity of any part of our community, or should have diverted to a new application any portion of the public resources, there are not wanting real and substantial consolations for the misfortune. It has demonstrated that our prosperity rests on solid foundations, by furnishing an additional proof that my fellow-citizens understand the true principles of Government and liberty; that they feel their *inseparable union*; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions as they were to defend their rights against usurpation. It has been a spectacle, displaying to the highest advantage the value of republican Government, to behold the most and the least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the army of the Constitution, undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic cooperation which I have experienced from the Chief Magistrates of the States to which my requisitions have been addressed."—*American State Papers—Miscellaneous*, vol. 1., p. 85.

President Washington thought there was power in this Government to execute its laws; he considered the militia the army of the Constitution; and he refers to this Union as being inseparable. This is the way that the laws were executed by the Father of this Country, the man who sat as president of the convention that made the Constitution. Here was resistance interposed—opposition to the execution of the laws; and George Washington, then President of the United States, went in person at the head of the militia; and it showed his sagacity, his correct comprehension of men, and the effect that an immediate movement of that kind would have upon them. He ordered fifteen thousand of his countrymen to the scene of action, and went there in person, and stayed there till he was satisfied that the insubordination was quelled.

That is the manner in which George Washington put down rebellion. That is the manner in which he executed the laws.

Here, then, we find General Washington executing the law, in 1795, against a portion of the citizens of Pennsylvania who rebelled; and, I repeat the question, where is the difference between executing the law upon a part and upon the whole? Suppose the whole of Pennsylvania had rebelled and resisted the excise law; had refused to pay taxes on distilleries: was it not as competent and as constitutional for General Washington to have executed the law against the whole as against a part? Is there any difference? Governmental affairs must be practical as well as our own domestic affairs. You may make nice metaphysical distinctions between the practical operations of Government and its theory; you may refine upon what is a State, and point out a difference between a State and a portion of a State; but what is it when you reduce it to practical operation, and square it by common sense?

In 1832, resistance was interposed to laws of the United States in another State. An ordinance was passed by South Carolina, assuming to act as a sovereign State, to nullify a law of the United States. In 1833, the distinguished man who filled the executive chair, who now lies in his silent grave, loved and respected for his virtue, his honor, his integrity, his patriotism, his undoubted courage, and his devotion to his kind, with an eye single to the promotion of his country's best interests, issued the proclamation extracts from which I have already presented. He was sworn to support the Constitution, and to see that the laws were faithfully executed; and he fulfilled the obligation. He took all the steps necessary to secure the execution of the law, and he would have executed it by the power of the Government if the point of time had arrived when it was necessary to resort to power. We can see that he acted upon similar principles to those acted upon by General Washington. He took the precaution of ordering a force there sufficient for the purpose of enabling him to say effectually to the rebellious, and those who were interposing opposition to the execution of the laws: "The laws which we made according to the Constitution, the laws that provide for the collection of the revenue to sustain this Government, must be enforced, and the revenue must be collected. It is a part of the compact; it is a part of the engagement you have undertaken to perform, and you of your own will have no power or authority to set it aside." The duties were collected; the law was enforced; and the Government went on. In his proclamation, he made a powerful appeal. He told them what would be done; and it would have been done, as certain as God rules on high, if the time had arrived which made it necessary.

Then we see where General Washington stood, and where General Jackson stood. Now, how does the present case stand? The time has come when men should speak out. Duties are mine; consequences are God's. I intend to discharge my duty, and I intend to avow my understanding of the Constitution and the laws of the country. Have we no authority or power to execute the

laws in the State of South Carolina as well as in Vermont and Pennsylvania? I think we have. As I before said, although a State may, by an ordinance, or by a resolve, or by an act of any other kind, declare that they absolve their citizens from all allegiance to this Government, it does not release them from the compact. The compact is reciprocal; and they, in coming into it, undertook to perform certain duties and abide by the laws made in conformity with the compact. Now, sir, what is the Government to do in South Carolina? If South Carolina undertakes to drive the Federal courts out of that State, the Federal Government has the right to hold those courts there. She may attempt to exclude the mails, yet the Federal Government has the right to establish post offices and post roads and to carry the mails there. She may resist the collection of revenue at Charleston, or any other point that the Government has provided for its collection; but the Government has the right to collect it and to enforce the law. She may undertake to take possession of the property belonging to the Government which was originally ceded by the State, but the Federal Government has the right to provide the means for retaining possession of that property. If she makes an advance either to dispossess the Government of that which it has purchased, or to resist the execution of the revenue laws, or of our judicial system, or the carrying of the mails, or the exercise of any other power conferred on the Federal Government, she puts herself in the wrong, and it will be the duty of the Government to see that the laws are faithfully executed. By reference to the records, it will be seen that, on

December 19, 1805, South Carolina granted all the right, title, and claim of the State to all the lands reserved for Fort Moultrie, on Sullivan's Island, not exceeding five acres, with all the forts, fortifications, &c., thereon; canal, &c.; the high lands, and part of the marsh, belonging to Fort Johnson, not exceeding twenty acres; the land on which Fort Pinckney is built, and three acres around it; a portion of the sandbank on the southeasternmost point of Charleston, not exceeding two acres; not exceeding four acres for a battery, or fort, &c., on Blythe's Point, at the mouth of Santee river; Mustad Island, in Beaufort river, opposite Parris's Island; not exceeding seven acres of land on St. Helena Island, for a principal fort; the whole on condition that the United States should, within three years, repair forts, &c.; the United States to compensate individuals for property; the lands, &c., to be free from taxes to the State."

Here is a clear deed of cession. The Federal Government has complied with all the conditions, and has, in its own right, the land on which these forts are constructed. The conditions of the cession have been complied with; and the Government has had possession from that period to the present time. There are its forts; there is its arsenal; there are its dock-yards; there is the property of the Government; and now, under the Constitution, and under the laws made in pursuance thereof, has South Carolina the authority from right to expel the Federal Government by her own property that has been given to it ^{cession} act, and of which it is now in posse by attempting to resist the execution of the laws; ^{ment}, ^{as she} dispossess the Federal Government. Does she not violate, put herself in the wrong, laws of the United States?

Does she not violate the Constitution? Does she not put herself, within the meaning and purview of the Constitution, in the attitude of levying war against the United States? The Constitution defines and declares what is treason. Let us talk about things by their right names. I know that some hotspur or madcap may declare that these are not times for a government of law; that we are in a revolution. I know that Patrick Henry once said, "if this be treason, make the most of it." If anything can be treason in the scope and purview of the Constitution, is not levying war upon the United States treason? Is not an attempt to take its property treason? Is not an attempt to expel its soldiers treason? Is not an attempt to resist the collection of the revenue, or to expel your mails, or to drive your courts from her borders, treason? Are not these powers clearly conferred in the Constitution on the Federal Government to be exercised? What is it, then, I ask in the name of the Constitution, in the meaning of the term as there defined? It is treason, and nothing but treason; and if one State, upon its own volition, can go out of this Confederacy without regard to the effect it is to have upon the remaining parties to the compact, what is your Government worth? What will it come to? In what will it end? It is no Government at all upon such a construction.

But it is declared and assumed that, if a State secedes, she is no longer a member of the Union, and that, therefore, the laws and the Constitution of the United States are no longer operative within her limits, and she is not guilty if she violates them. This is a matter of opinion. I have tried to show, from the origin of the Government down to the present time, what this doctrine of secession is, and there is but one concurring and unerring conclusion reached by all the great and distinguished men of the country. Madison, who is called the Father of the Constitution, denies the doctrine. Washington, who was the Father of his Country, denies the doctrine. Jefferson, Jackson, Clay, and Webster, all deny the doctrine; and yet all at once it is discovered and ascertained that a State, of its own volition, can go out of this Confederacy, without regard to consequences, without regard to the injury and woe that may be inflicted on the remaining members from the act!

Suppose this doctrine to be true, Mr. President, that a State can withdraw from this Confederacy; and suppose South Carolina has seceded, and is now out of the Confederacy: in what an attitude does she place herself? There might be circumstances under which the States ratifying the compact might tolerate the secession of a State, she taking the consequences of the act. But there might be other circumstances under which the States could not allow one to secede. Why do I say so? Some suppose—and it is a well-founded supposition—that by the secession of a State all the remaining States might be involved in disastrous consequences; they might be involved in war; and by the secession of one State, the existence of the remaining States might be involved. Then, without regard to the Constitution, dare the other States permit one to secede when it endangers and involves all the remaining States? The

question arises in this connection, whether the States are in a condition to tolerate or will tolerate the secession of South Carolina. That is a matter to be determined by the circumstances; that is a matter to be determined by the emergency; that is a matter to be determined when it comes up. It is a question which must be left open to be determined by the surrounding circumstances, when the occasion arises.

But conceding, for argument's sake, the doctrine of secession, and admitting that the State of South Carolina is now upon your coast, a foreign Power, absolved from all connection with the Federal Government, out of the Union: what then? There was a doctrine inculcated in 1823, by Mr. Monroe, that this Government, keeping in view the safety of the people and the existence of our institutions, would permit no European Power to plant any more colonies on this continent. Now, suppose that South Carolina is outside of the Confederacy, and this Government is in possession of the fact that she is forming an alliance with a foreign Power—with France, with England, with Russia, with Austria, or with all of the principal Powers of Europe; that there is to be a great naval station established there; an immense rendezvous for their army, with a view to ulterior objects, with a view of making advances upon the rest of these States: let me ask the Senate, let me ask the country, if they dare permit it? Under and in compliance with the great law of self-preservation, we dare not let her do it; and if she were a sovereign Power to-day, outside of the Confederacy, and was forming an alliance that we deemed inimical to our institutions, and the existence of our Government, we should have a right to conquer and hold her as a province—a term which is so much used with scorn.

Mr. President, I have referred to the manner in which this Government was formed. I have referred to the provision of the Constitution which provides for the admission of new States. Now, let me ask, can any one believe that, in the creation of this Government, its founders intended that it should have the power to acquire territory and form it into States, and then permit them to go out of the Union? Let us take a case. How long has it been since your armies were in Mexico? How long has it been since your brave men were exposed to the diseases, the privations, the sufferings, which are incident to a campaign of that kind? How long has it been since they were bearing your eagles in a foreign land, many of them falling at the point of the bayonet, consigned to their long, narrow home, with no winding-sheet but their blankets saturated with their blood? How many victories did they win? How many laurels did they acquire? How many trophies did they bring back? The country is full of them. What did it cost you? One hundred and twenty million dollars. What did you pay for the country you acquired, besides? Fifteen million dollars. Peace was made; territory was acquired; and, in a few years, from that territory California erected herself into a free and independent State, and, under the provisions of the Constitution, we admitted her as a member of this Confederacy. After having expended \$120,000,000 in the war;

after having lost many of our bravest and most gallant men; after having paid \$15,000,000 to Mexico for the territory, and admitted it into the Union as a State, now that the people of California have got into the Confederacy and can stand alone, according to this modern doctrine, your Government was just made to let them in, and then to let them step out. Is not the conclusion illogical? Is it not absurd to say that, now that California is in, she, on her own volition—without regard to the consideration paid for her; without regard to the policy which dictated her acquisition by the United States—can walk out and bid you defiance? Is it not an absurdity, if you take the reason and object of Government?

But we need not stop here; let us go to Texas. Texas was engaged in a revolution with Mexico. She succeeded in the assertion and establishment of her independence; and she became a sovereign and independent Power outside of this Union. She applied for admission, and she was admitted into this family of States. After she was in, she was oppressed by the debts of her war which resulted in her separation from Mexico; she was harassed by the Indians upon her border; and in 1850, by way of relief to Texas, what did we do? There was an extent of territory that lies north, if my memory serves me right, embracing what is now called the Territory of New Mexico. Texas had it not in her power to protect the citizens that were there. It was a dead limb, paralyzed, lifeless. The Federal Government came along as a kind physician, saying, "We will take this dead limb from your body, and vitalize it, by giving protection to the people, and incorporating it into a territorial government: and in addition to that, we will give you \$10,000,000, and you may retain your own public lands;" and the other States were taxed in common to pay the \$10,000,000. Now, after all this is done, Texas, forsaken, upon her own volition, is to say, "I will walk out of this Union!" Were there no other parties to that compact? We are told the compact is reciprocal. Did we take in California, did we take in Texas, just to benefit them? No; but to add to this great family of States; and it is apparent, from the fact of their coming in, that the compact is reciprocal; and having entered into the compact, they have no right to withdraw without the consent of the remaining States.

Again: take the case of Louisiana. What did we pay for her in 1803, and for what was she wanted? Just to get Louisiana into the Confederacy? Just for the benefit of that particular locality? Was not the mighty West looked to? Was it not to secure the free navigation of the Mississippi river, the mouth of which was then in possession of France, shortly before of Spain, passing about between those two Powers? Yes, the navigation of that river was wanted. Simpl for Louisiana? No, but for all the States. The United States paid \$15,000,000, and France ceded the country to the United States. It remained in a territorial condition for a while, subject and protected by the strong arm of the Federal Government. We acquired the territory and he navigation of the river; and the money was paid for the benefit of all the States, and not of Louisiana

exclusively. And now that this great valley is filled up; now that the navigation of the Mississippi is one hundred times more important than it was then; now, after the United States have paid the money, have acquired the title to Louisiana, and have incorporated her into the Confederacy, it is proposed that she shall go out of the Union! In 1815, when her shores were invaded; when her city was about to be sacked; when her booty and her beauty were about to fall a prey to British aggression, the brave men of Tennessee, and of Kentucky, and of the surrounding States, rushed into her borders and upon her shores, and under the lead of their own gallant Jackson, drove the invading forces away. And now, after all this; after the money has been paid; after the free navigation of the river has been obtained—not for the benefit of Louisiana alone, but for her in common with all the States—Louisiana says to the other States, “We will go out of this Confederacy; we do not care if you did fight our battles; we do not care if you did acquire the free navigation of this river from France; we will go out if we think proper, and constitute ourselves an independent Power, and bid defiance to the other States.” It is an absurdity; it is a contradiction; it is illogical; it is not deducible from the structure of the Government itself.

It may be that, at this moment, there is not a citizen in the State of Louisiana who would think of obstructing the free navigation of the river; but are not nations controlled by their interests in varying circumstances? It strikes me so; and hereafter, when a conflict of interest arises; when difficulty may spring up between two separate Powers, Louisiana, having the control of the mouth of the river, might feel disposed to tax our citizens going down there. It is a power that I am not willing to concede to be exercised at the discretion of any authority outside of this Government. So sensitive have been the people of my State upon the free navigation of that river, that as far back as 1796, now sixty-four years ago, in their bill of rights, before they passed under the jurisdiction of the United States, they declared:

“That an equal participation of the free navigation of the Mississippi is one of the inherent rights of the citizens of this State: it cannot, therefore, be conceded to any prince, potentate, Power, person, or persons whatever.”

This shows the estimate that the people fixed on this stream sixty-four years ago; and now we are told, if Louisiana does go out, it is not her intention at this time to tax the people above. Who can tell what may be the intention of Louisiana hereafter? Are we willing to place the rights, the travel, and the commerce of our citizens, at the discretion of any Power outside of this Government? I will not.

How long has it been since Florida lay on our coast an annoyance to us? And now she has got entirely feverish about being an independent and separate Government, while she has not as many qualified voters as there are in one congressional district of any other State. What condition did Florida occupy in 1811? She was in the possession of Spain. What did the United States think about having adjacent territory outside of their jurisdiction? Let us turn to the authorities, and

see what proposition they were willing to act upon. I find, in the statutes of the United States, this joint resolution:

“Taking into view the peculiar situation of Spain, and of her American provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign Power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory. They, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiation.”

What principle is set forth there? Florida was in the possession of Spain. English spies were harbored in her territory. Spain was inimical to the United States; and in view of the great principle of self-preservation, the Congress of the United States passed a resolution declaring that if Spain attempted to transfer Florida into the hands of any other Power, the United States would take possession of it. Yet Congress were gracious and condescending enough to say that it should remain open to future negotiation. That is to say, “Hereafter, if we can make a negotiation that will suit us, we will make it; if we do not, we will keep the territory;” that is all. There was the territory lying upon our border, outside of the jurisdiction of the United States; and we declared, by an act of Congress, that no foreign Power should possess it.

We went still further and appropriated \$100,000, and authorized the President to enter and take possession of it with the means placed in his hands. Afterwards, we negotiated with Spain, and gave \$6,000,000 for the Territory, and we established a territorial government for it. What next? We undertook to drive out the Seminole Indians, and we had a war in which this Government lost more than it lost in all the other wars it was engaged in; and we paid the sum of \$25,000,000 to get the Seminoles out of the swamps, so that the Territory could be inhabited by white men. We paid for it, we took possession of it; and I remember, when I was in the other House, and Florida was knocking at the door for admission, how extremely anxious her then able Delegate was to be admitted. He now sits before me, [Mr. YULEE.] I remember how important he thought it was then to come under the protecting wing of the United States as one of the stars of our Confederacy. But now the Territory is paid for, England is driven out, \$25,000,000 have been expended; and they want no longer the protection of this Government, but will go out without consulting the other States, without reference to the effect upon the remaining parties to the compact: Where will she go? Will she attach herself to Spain again? Will she pass back under the jurisdiction of the Seminoles? After having been nurtured and protected and fostered by all these States, now, without regard to them, is she to be allowed, at her own volition, to withdraw from the Union? I say she has no constitutional right to do it; and when she does it

it is an act of aggression. If she succeeds, it will only be a successful revolution. If she does not succeed, she must take the penalties and terrors of the law.

But, sir, there is another question that suggests itself in this connection. Kansas, during the last Congress, applied for admission into this Union. She assumed to be a State, and the difficulty in the way was a provision in her constitution, and the manner of its adoption. We did not let Kansas in. We did not question her being a State; but on account of the manner of forming her constitution and its provisions, we kept Kansas out. What is Kansas now? Is she a State, or is she a Territory? Does she revert back to her territorial condition of pupilage? Or, having been a State, and having applied for admission and been refused, is she standing out a State? You hold her as a territory; you hold her as a province. You prescribe the mode of electing the members of her Legislature, and pay them out of your own Treasury. Yes, she is a province controlled by Federal authority, and her laws are made in conformity with the acts of Congress. Is she not a Territory? I think she is.

Suppose the State of California withdraws from the Union. We admitted her. She was territory acquired by the United States, by our blood and our treasure. Now, suppose she withdraws from the Confederacy: does she pass back into a territorial condition, remain a dependency upon the Federal Government, or does she stand out as a separate government? Let me take Louisiana, for which we paid \$15,000,000. That was a Territory for a number of years—yes, a province. It is only another name for a province. It is a possession held under the jurisdiction of the United States. We admitted Louisiana into the Union as a State. Suppose we had refused to admit her: would she not still have remained a Territory? Would she not have remained under the protection of the United States? But now, if she has the power to withdraw from the Union, does she not pass back into the condition in which she was before we admitted her into the Union? In what condition does she place herself? When those States which were at first Territories cease their connection with this Government, do they pass back into the territorial condition? When Florida is going out, when Louisiana is going out, and these other States that were originally Territories go out of the Union, in what condition do they place themselves? Are they Territories or States? Are they merely on probation to become members of this Confederacy, or are they States outside of the Confederacy?

I have referred to the acts of Congress for acquiring Florida as setting forth a principle. Let me read another of those acts:

"An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorized to take possession of and occupy all or any part of the territory lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, in

case an arrangement has been or shall be made with the local authorities of the said territory for the delivering up the possession of the same or any part thereof to the United States, or in the event of an attempt to occupy the said territory or any part thereof by any foreign Government; and he may, for the purpose of taking possession and occupying the territory aforesaid, in order to maintain therein the authority of the United States, employ any part of the Army and Navy of the United States which he may deem necessary."

What is the principle avowed here? That from the geographical relations of this territory to the United States, from its importance to the safety and security of the institutions of the United States, we authorized the President to expend \$100,000 to get a foothold there, and especially to take possession of it if it were likely to pass to any foreign Power. We see the doctrine and principle there established and acted upon by our Government. This principle was again avowed by distinguished men at Ostend. A paper was drawn up there by Mr. Buchanan, Mr. Soulé of Louisiana, and Mr. Mason of Virginia, our ministers to the three principal Courts in Europe. They met at Ostend and drew up a paper in which they laid down certain doctrines in strict conformity with the act of Congress that I have just read. They say in that paper, signed by James Buchanan, J. Y. Mason, and Pierre Soulé:

"Then, 1. It must be clear to every reflecting mind, that, from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American Republic as any of its present members, and that it belongs, naturally, to that great family of States of which the Union is the providential nursery.

"From its locality it commands the mouth of the Mississippi, and the immense and annually increasing trade which must seek this avenue to the ocean.

"On the numerous navigable streams, measuring an aggregate course of some thirty thousand miles, which disemboke themselves through this magnificent river into the Gulf of Mexico, the increase of the population within the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it.

"The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and Pacific States, can never be secure, but must ever be endangered while Cuba is a dependency of a distant Power in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests." * * * * *

"The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten an insurrection at any moment which may result in direful consequences to the American people.

"Cuba has thus become to us an uneasing danger, and a permanent cause of anxiety and alarm." * * *

"Self-preservation is the first law of nature, with States as well as with individuals. All nations have, at different periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland, and other similar cases which history records, yet the principle itself, though often abused, has always been recognized." * * * * *

"Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude, and our own self-respect."

Mark you, we are never to acquire Cuba unless it is necessary to our self-preservation:

"While pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed.

"After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question does Cuba, in

the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

"Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own home."

Now, this is all pretty sound doctrine. I am for all of it.

"Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question, whether the present condition of the island would justify such a measure? We should, however, be recant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shore, seriously to endanger or actually to consume the fair fabric of our Union."

We find in this document, signed by our three ministers, and approved by the American people, the doctrine laid down clearly that if the United States believed that Cuba was to be transferred by Spain to England or to France, or to some other Power inimical to the United States, the safety of the American people, the safety of our institutions, the existence of the Government, being imperiled, we should have a right, without regard to money or blood, to acquire it.

Where does this carry us? We find that this doctrine was not only laid down, but practiced, in the case of Florida. Suppose Louisiana was now out of the Confederacy, holding the key to the Gulf, the outlet to the commerce of the great West: under the doctrine laid down by these ministers, and practiced by the Congress of the United States, would not this Government have the right, in obedience to the great principle of self-preservation, and for the safety of our institutions, to seize it and pass it under the jurisdiction of the United States, and hold it as a province subject to the laws of the United States? I say it would. The same principle will apply to Florida. The same principle would apply to South Carolina. I regret that she occupies the position that she has assumed, but I am arguing a principle, and do not refer to her out of any disrespect. If South Carolina were outside of the Confederacy, an independent Power, having no connection with the United States, and our institutions were likely to be endangered, and the existence of the Government imperiled by her remaining a separate and independent Power, or by her forming associations and alliances with some foreign Power, I say we should have a right, on the principle laid down by Mr. Mason, Mr. Buchanan, and Mr. Soulé, and upon the principle practiced by the Congress of the United States in the case of Florida, to seize her, pass her under the jurisdiction of the United States, and hold her as a province.

Mr. President, I have spoken of the possibility of a State standing in the position of South Carolina making alliances with a foreign Power. What do we see now? Ex-Governor Manning, of that State, in a speech made not long since at Columbia, made these declarations:

"Cotton is king, and would enable us in peace to rule the nations of the world, or successfully to encounter them

in war. The millions in France and England engaged in its manufacture, are an effectual guarantee of the friendship of those nations. If necessary, their armies would stand to guard its uninterrupted and peaceful cultivation, and their men-of-war would line our coasts to guard it in its transit from our ports."

Ah! are we prepared, in the face of doctrines like these, to permit a State that has been a member of our Confederacy to go out, and erect herself into an independent Power, when she points to the time when she will become a dependent of Great Britain, or when she will want the protection of France? What is the doctrine laid down by Mr. Buchanan and Mr. Mason and Mr. Soulé? If Cuba is to pass into the hands of an unfriendly Power, or any Power inimical to the United States, we have a right to seize and to hold her. Where is the difference between the two cases?

If South Carolina is outside of the Confederacy as an independent Power, disconnected from this Government, and we find her forming alliances to protect her, I ask what becomes of that great principle, the law of self-preservation? Does it not apply with equal force? We are told, upon pretty high authority, that Great Britain is operating in the United States; that she is exerting a powerful influence. I find that, in a paper issued from the executive office, Little Rock, Arkansas, and addressed to the militia of the State of Arkansas, the following language is used:

"It is my opinion, that the settled and secret policy of the British Government is to disturb the domestic tranquility of the United States; that its object is to break up and destroy our Government, get rid of a powerful rival, extend the area of the British dominions on this Continent, and become the chief and controlling Power in America."

I will not read it all. He gives many reasons why it is so. He says:

"I believe that such a conspiracy exists against our Federal Government, and that, if all the secret facts and transactions connected with it, and the names of the secret agents and emissaries of the British Government, distributed throughout the United States, could be ascertained, well authenticated, and made public, the patriotic people of the United States would be filled with astonishment; and having discovered the *real author and instigator* of the mischief, all discord between the free States and the slave States would at once be allayed, if not entirely cease, and then they would become fraternally and more firmly united; and that the united indignation of the patriotic citizens of the whole Union against the British Government and its agents and emissaries would be so great that war would be declared against the British Government in less than twelve months."

The Governor of the State of Arkansas says, that if all the secret workings of Great Britain in this country could be ascertained, war would be declared in less than twelve months against the Government of Great Britain. What further does he say:

"Entertaining these opinions, I deem it my duty to the people of the State of Arkansas, to warn them to go to work in *earnest* and make *permanent and thorough preparations*, so that they may at all times be ready to protect themselves and our State against evils which I believe the British Government intends shall not be temporary and trifling, but continuous and aggravated, 'irrepressible' and terrible."

This is signed by "Elias N. Conway, Governor of the State of Arkansas, and commander-in-chief of the army of said State, and of the militia thereof." But ex-Governor Manning, of South Carolina, declares that cotton is king, and that the armies of Great Britain, and the fleets of

France, and their men of war, would protect them; the one in the peaceful production of cotton, and the other in its exportation to the ports of the world. What sort of times are we falling on? Where are we going? Are these the threats that we are to be met with? Is the United States to be told by one of the States attempting to absolve itself from its allegiance, without authority, and in fact in violation of the Constitution of the United States, that being disconnected with the Confederacy, it will, upon our coast, form an alliance with France and with England, which will protect her more securely than the protection which she now receives from the United States? The question recurs, have we not an existence, have we not institutions, to preserve; and in compliance with the great law of self-preservation, can we permit one of these States to take the protection of a foreign Power that is inimical and dangerous to the peaceful relations of this Government? I do not believe that we can. I repeat, for fear it may be misunderstood, that there are certain circumstances and conditions under which the remaining States, parties to the compact, might tolerate the secession of one State; and there are other circumstances and other conditions under which they dare not do it, in view of the great principle of self-preservation of which I have been speaking. When any State takes such an attitude what will be our course of policy? The case must be determined by the existing circumstances at the time.

But it is expected and said by some that South Carolina, in making this movement, intends to carry the other States along with her; that they will be drawn into it. Now, Mr. President, is that the way for one sister, for one rebellious State, to talk to others! Is that the language in which they should be addressed? I ask my friend from California to read an extract from the message of Governor Gist, of South Carolina. He will do me a favor by so doing; and then we shall see the basis upon which we stand, and the attitude in which we are to be placed. Not only is South Carolina to go out of the Union in violation of the Constitution, impeding and resisting the execution of the laws, but the other States are to be dragged along with her, and we are all to be involved in one common ruin.

Mr. LATHAM read the following extract from the message of Governor Gist to the Legislature of South Carolina:

"The introduction of slaves from other States which may not become members of the southern confederacy, and particularly the border States, should be prohibited by legislative enactment; and by this means they will be brought to see that their safety depends upon a withdrawal from their enemies and an union with their friends and natural allies. If they should continue their union with the non-slaveholding States, let them keep their slave property in their own borders, and the only alternative left them will be emancipation by their own act, or by the action of their own confederates. We cannot consent to relieve them from their embarrassing situation by permitting them to realize the money value for their slaves by selling them to us, and thus prepare them, without any loss of property, to accommodate themselves to the northern free-soil idea. But should they unite their destiny with us, and become stars in the southern galaxy—members of a great southern confederation—we will receive them with open arms and an enthusiastic greeting."

“All hope, therefore, of concerted action by ~~the~~ southern convention being lost, there is but one course left for South Carolina to pursue consistent with her honor, interest, and safety, and that is, to look neither to the right or the left, but go straight forward to the consummation of her purpose. It is too late now to receive propositions for a conference; and the State would be wanting in self-respect, after having deliberately decided on her own course, to entertain any proposition looking to a continuance of the present Union. We can get no better or safer guarantee than the present Constitution; and that has proved impotent to protect us against the fanaticism of the North. The institution of slavery must be under the exclusive control of those directly interested in its preservation, and not left to the mercy of those that believe it to be their duty to destroy it.”

Mr. JOHNSON, of Tennessee. If my friend will read an extract from the speech of Mr. KEITT, of South Carolina, it will show the determination and policy to be pursued. It is done with all respect to him; for he is a man upon whom I look as a perfect and entire gentleman, from all my acquaintance with him; but I merely want to quote from his speech to get at the policy they wish to pursue.

Mr. LATHAM read, as follows:

“Hon. L. M. KEITT was serenaded at Columbia on Monday evening; and in response to the compliment he spoke at considerable length in favor of separate State action. He said South Carolina could not take one step backward now without receiving the curses of posterity. South Carolina, single and alone, was bound to go out of this accursed Union: he would take her out if but three men went with him, and if slaves took her back it would be to her graveyard. Mr. Buchanan was pledged to secession, and he meant to hold him to it. The policy of the State should be prudent and bold. His advice was, move on, side by side. He requested union and harmony among those embarked in the same great cause; but yield not day too long, and when the time comes let it come speedily. Take your destinies in your own hands, and shatter this accursed Union. South Carolina could do it alone. But if she could not, she could at least throw her arms around the pillars of the Constitution, and involve all the States in a common ruin. Mr. KEITT was greatly applauded throughout his address.”

Mr. JOHNSON, of Tennessee. Mr. President, I have referred to these extracts to show the policy intended to be pursued by our seceding sister. What is the first threat thrown out? It is an intimidation to the border States, alluding especially, I suppose, to Virginia, Maryland, Kentucky, and Missouri. They constitute the first tier of the border slave States. The next tier would be North Carolina and Tennessee and Arkansas. We in the South have complained of and condemned the position assumed by the Abolitionists. We have complained that their intention is to hem slavery in, so that, like the scorpion when surrounded by fire, if it did not die from the intense heat of the scorching flames, it would perish from its own poisonous sting. Now, our sister, without consulting her sisters, without caring for their interest or their consent, says that she will move forward; that she will destroy the Government under which we have lived, and that hereafter, when she forms a Government or a Constitution, unless the border States come in, she will pass laws prohibiting the importation of slaves into her State from those States, and thereby obstruct the slave trade among the States, and throw the institution back upon the border States, so that they will be compelled to emancipate their slaves upon the principle laid down by the Abolition party. That is the rod held over us!

I tell our sisters in the South that so far as Tennessee is concerned, she will not be dragged into a southern or any other confederacy until she has had time to consider; and then she will go when she believes it to be her interest, and not before. I tell our northern friends, who are resisting the execution of the laws made in conformity with the Constitution, that we will not be driven on the other hand into their confederacy, and we will not go into it unless it suits us, and they give us such guarantees as we deem right and proper. We say to you of the South, we are not to be frightened and coerced. Oh, when one talks about coercing a State, how maddening and insulting to the State; but when you want to bring the other States to terms, how easy to point out a means by which to coerce them! But, sir, we do not intend to be coerced.

We are told that certain States will go out and tear this accursed Constitution into fragments, and drag the pillars of this mighty edifice down upon us, and involve us all in one common ruin. Will the border States submit to such a threat? No. If they do not come into the movement, the pillars of this stupendous fabric of human freedom and greatness and goodness are to be pulled down, and all will be involved in one common ruin. Such is the threatening language used. "You shall come into our confederacy, or we will coerce you to the emancipation of your slaves." That is the language which is held toward us.

There are many ideas afloat about this threatened dissolution, and it is time to speak out. The question arises in reference to the protection and preservation of the institution of slavery, whether dissolution is a remedy or will give it protection. I avow here, to-day, that if I were an Abolitionist, and wanted to accomplish the overthrow and abolition of the institution of slavery in the southern States, the first step that I would take would be to break the bonds of this Union, and dissolve this Government. I believe the continuance of slavery depends upon the preservation of this Union, and a compliance with all the guarantees of the Constitution. I believe an interference with it will break up the Union; and I believe a dissolution of the Union will, in the end, though it may be some time to come, overthrow the institution of slavery. Hence we find so many in the North who desire the dissolution of these States as the most certain and direct and effectual means of overthrowing the institution of slavery.

What protection would it be to us to dissolve this Union? What protection would it be to us to convert this nation into two hostile Powers, the one warring with the other? Whose interest is at stake? Whose property is endangered? Is it not the property of the border States? Suppose Canada were moved down upon our border, and the two separated sections, then different nations, were hostile: what would the institution of slavery be worth on the border? Every man who has common sense will see that the institution would take up its march and retreat, as certainly and as unerringly as general laws can operate. Yes; it would commence to retreat the very moment this Government was converted into hostile Powers, and you made the line between the slavehold-

ing and non-slaveholding States the line of division.

Then, what remedy do we get for the institution of slavery? Must we keep up a standing army? Must we keep up forts bristling with arms along the whole border? This is a question to be considered, one that involves the future; and no step should be taken without mature reflection. Before this Union is dissolved and broken up, we in Tennessee, as one of the slave States, want to be consulted; we want to know what protection we are to have; whether we are simply to be made outposts and guards to protect the property of others, at the same time that we sacrifice and lose our own. We want to understand this question.

Again: if there is one division of the States, will there not be more than one? I heard a Senator say the other day that he would rather see this Government separated into thirty-three fractional parts than to see it consolidated; but when you once begin to divide, when the first division is made, who can tell when the next will be made? When these States are all turned loose, and a different condition of things is presented, with complex and abstruse interests to be considered and weighed and understood, what combinations may take place no one can tell. I am opposed to the consolidation of Government, and I am as much for the reserved rights of States as any one; but, rather than see this Union divided into thirty-three petty Governments, with a little prince in one, a potentate in another, a little aristocracy in a third, a little democracy in a fourth, and a republic somewhere else; a citizen not being able to pass from one State to another without a passport or a commission from his Government; with quarreling and warring amongst the little petty Powers, which would result in anarchy; I would rather see this Government to-day—I proclaim it here in my place—converted into a consolidated Government. It would be better for the American people; it would be better for our kind; it would be better for humanity; better for Christianity; better for all that tends to elevate and enoble man, than breaking up this splendid, this magnificent, this stupendous fabric of human government, the most perfect that the world ever saw, and which has succeeded thus far without a parallel in the history of the world.

When you come to break up and turn loose the different elements, there is no telling what combinations may take place in the future. It may occur, for instance, to the middle States that they will not get so good a Government by going a little further south as by remaining where we are. It may occur to North Carolina, to Tennessee, to Kentucky, to Virginia, to Maryland, to Missouri—and perhaps Illinois might fall in, too—that, by erecting themselves into a central, independent republic, disconnected either with the North or the South, they could stand as a peace-maker—could stand as a great breakwater, resisting the heated and surging waves of the South, and the fanatical abolitionism of the North. They might think that they could stand there and lift themselves up above the two extremes, with the sincere hope that the time would arrive when the extremes would come together, and reunite once

more, and we could reconstruct this greatest and best Government the world has ever seen. Or it might so turn out, our institution of slavery being exposed upon the northern line, that by looking to Pennsylvania, to New York, and to some of the other States, instead of having them as hostile Powers upon our frontiers, they might come to this central republic, and give us such constitutional guarantees, and such assurances that they would be executed, that it might be to our interest to form an alliance with them, and have a protection on our frontier.

I throw these out as considerations. There will be various projects and various combinations made. Memphis is now connected with Norfolk, in the Old Dominion; Memphis is connected with Baltimore within two days. Here is a coast that lets us out to the commerce of the world. When we look around in the four States of Tennessee, Kentucky, Virginia, and Maryland, there are things about which our memories, our attachments, and our associations linger with pride and with pleasure. Go down into the Old Dominion; there is the place where, in 1781, Cornwallis surrendered his sword to the immortal Washington. In the bosom of her soil are deposited her greatest and best sons. Move along in that trail, and there we find Jefferson and Madison and Monroe, and a long list of worthies.

We come next to old North Carolina, my native State, God bless her! She is my mother. Though she was not my cherishing mother, to use the language of the classics, she is the mother whom I love, and I cling to her with undying affection, as a son should cling to an affectionate mother. We find Macon, who was associated with our early history, deposited in her soil. Go to King's Mountain, on her borders, and you there find the place on which the battle was fought that turned the tide of the Revolution. Yes, within her borders the signal battle was fought that turned the tide which resulted in the surrender of Cornwallis at Yorktown, in the Old Dominion.

Travel on a little further, and we get back to Tennessee. I shall be as modest as I can in reference to her, but she has some associations that make her dear to the people of the United States. In Tennessee we have our own illustrious Jackson. There he sleeps—that Jackson who issued his proclamation in 1833, and saved this Government. We have our Polk and our Grundy, and a long list of others who are worthy of remembrance.

And who lie in Kentucky? Your Hardings, your Boons, your Roanes, your Clays, are among the dead; your CRITTENDEN among the living. All are identified and associated with the history of the country.

Maryland has her Carroll of Carrollton, and a long list of worthies, who are embalmed in the hearts of the American people. And you are talking about breaking up this Republic, with this cluster of associations, these ties of affection, around you. May we not expect that some means may be devised by which they can be preserved together?

Here, too, in the center of the Republic, is the seat of Government, which was founded by Washington, and bears his immortal name. Who dare

appropriate it exclusively? It is within the borders of the States I have enumerated, in whose limits are found the graves of Washington, of Jackson, of Polk, of Clay. From them is it supposed that we will be torn away? No, sir; we will cherish these endearing associations with the hope, if this Republic shall be broken, that we may speak words of peace and reconciliation to a distracted, a divided, I may add, a maddened people. Angry waves may be lashed into fury on the one hand; on the other blustering winds may rage; but we stand immovable upon our basis, as on our own native mountains—presenting their craggy brows, their unexplored caverns, their summits “rock-ribbed and as ancient as the sun”—we stand speaking peace, association, and concert, to a distracted Republic.

But, Mr. President, will it not be well before we break up this great Government, to inquire what kind of a government this new government in the South is to be, with which we are threatened unless we involve our destinies with this rash and precipitate movement. What intimation is there in reference to its character? Before my State and those States of which I have been speaking, go into a southern or northern confederacy, ought they not to have some idea of the kind of government that is to be formed? What are the intimations in the South, in reference to the formation of a new government? The language of some speakers is that they want a southern government obliterating all State lines—a government of consolidation. It is alarming and distressing to entertain the proposition here. What ruin and disaster would follow, if we are to have a consolidated government here! But the idea is afloat and current in the South that a southern government is to be established, in the language of some of the speakers in the State of Georgia, “obliterating all State lines;” and is that the kind of entertainment to which the people are to be invited? Is that the kind of government under which we are to pass; and are we to be forced to emancipate our slaves unless we go into it? Another suggestion in reference to a southern government is, that we shall have a southern confederacy of great strength and power, with a constitutional provision preventing any State from changing its domestic institutions without the consent of three fourths, or some great number to be fixed upon. Is that the kind of government under which we want to pass? I avow here, that so far as I am concerned, I will never enter, with my consent, any government, North or South, less republican, less democratic, than the one under which we now live.

Where are we drifting? What kind of breakers are ahead? Have we a glimpse through the fog that develops the rock on which the vessel of State is drifting? Should we not consider maturely, in giving up this old Government, what kind of government is to succeed it? Ought we not to have time to think? Are we not entitled to respect and consideration? In one of the leading Georgia papers we find some queer suggestions; and, as the miners would say, these may be considered as mere surface-indications, that develop what is below. We ought to know the

kind of government that is to be established. When we read the allusions made in various papers, and by various speakers, we find that there is one party who are willing to give up this form of government; to change its character; and, in fact, to pass under a monarchical form of government. I hope that my friend will read the extracts which I will hand him.

Mr. LATHAM read the following extracts:

"If the Federal system is a failure, the question may well be asked, *is not the whole republican system a failure?* Very many wise, thinking men, say so. We formed the Federal Government because the separate States, it was thought, were not strong enough to stand alone, and because they were likely to prove disadvantageous, if not dangerous, each to the other, in their distinct organization, and with their varying interests. When we break up, will the disadvantages and dangers of separate States be such as to require the formation of a new confederacy of those which are, at present, supposed to be homogeneous? If we do form a new confederacy, when the old is gone, *it would seem to be neither wise, prudent, nor statesmanlike to frame it after the pattern of the old.* New safeguards and guarantees must necessarily be required, and none but a headless maniac would seek to avoid looking this matter squarely in the face.

"It is true that we might make a constitution for the fifteen southern States, which would secure the rights of all, *at present, from harm, or, at least, which would require a clear violation of its letter,* so plainly that the world could discern it, when unconstitutional action was consummated. But then, in the course of years, as men changed, times changed, interests changed, business changed, productions changed, a violation of the spirit might occur, which would not be clearly a violation of the letter. It may be said that the constitution might provide for its own change at times changed. Well, that was the design when our present Constitution was formed, and, still, we say, it was a failure. How more carefully could a new one be arranged? Men will say that we of the South are one, and that we shall get along well enough. But they who say it know neither history nor human nature. When the Union was formed, twelve of the thirteen States were slaveholding; and if the cotton gin had not been invented there would not probably to-day have been an African slave in North America.

"But how about the State organizations? This is an important consideration, for whether we consult with the other southern States or not, it is certain that each State must act for itself, in the first instance. When any State goes out of the present Federal Union, it then becomes a *foreign Power* as to all the other States, as well as to the world. Whether it will unite again with any of the States, or stand alone, is for it to determine. The new Confederacy must then be made by those States which desire it—and if Georgia, or any other State, does not find the proposed terms of federation agreeable, she can maintain her own separate form of government, or at least try it. Well, what form of government shall we have? This is more easily asked than answered.

"Some of the wisest and best citizens propose a HEREDITARY CONSTITUTIONAL MONARCHY; but, however good that may be in itself, the most important point to discover is, whether or not the people are prepared for it. It is thought, again, by others, that we shall be able to go on for a generation or two, in a new confederacy, with additional safeguards; such, for instance, as an *Executive for life, a vastly restricted suffrage, Senators elected for life, or for a long period, say twenty one years, and the most popular branch of the assembly elected for seven years, the judiciary absolutely independent, and for life, or good behavior.* The frequency of elections, and the universality of suffrage, with the attendant arousing of the people's passions, and the necessary sequence of demagogues being elevated to high station, are thought by many to be the great causes of trouble among us.

"We throw out these suggestions that the people may think of them, and act as their interests require. Our own opinion is that the South might be the greatest nation on the earth, and might maintain, on the basis of African slavery, not only a splendid Government, but a *secure republican Government.* But still our fears are that through anarchy we shall reach the despotism of military chieftains,

and finally be raised again to a monarchy."—*Augusta (Georgia) Chronicle and Sentinel* of December 8, 1860.

[From the Columbus (Georgia) Times.]

"LET US REASON TOGETHER.—Permit a humble individual to lay before you a few thoughts that are burnt into his heart of hearts by their very truth.

"The first great thought is this: The institution known as the 'Federal Government,' established by the people of the United States of America, is a *failure.* This is a fact which cannot be gainsay'd. It has *never* been in the power of the 'Federal Government' to enforce all its own laws within its own territory; it has, therefore, been measurably a failure from the beginning; but its first convincing evidence of weakness was in allowing one branch of its organization to pass an unconstitutional law, (the Missouri compromise.) Its next evidence of deceptitude was its inability to enforce a constitutional law, (the fugitive slave law,) the whole fabric being shaken to its foundation by the only attempt of enforcement made by its chief officer, (President Pierce.) I need not enlarge in this direction. The 'Federal Government' is a *failure.*

"What then? The States, of course, revert to their original position, each sovereign within itself. There can be no other just conclusion. This, then, being our position, the question for sober, thinking, earnest men is, what shall we do for the future? I take it for granted that no man in his senses would advocate the reinauguring in so many petty sovereignties. We should be worse than Mexicanized by that process. What, then, shall we do? In the first place, I would say, let us look around and see if there is a government of an enlightened nation that has not yet proven a failure, but which is now, and has ever been, productive of happiness to all its law-abiding people. If such a government can be found—a government whose first and only object is the *good, the REAL GOOD (not fancied good, an *ignis fatuus* which I fear both our fathers and ourselves have too much run after in this country) of all its people—if such a government exists, let us examine it carefully; if it has apparent errors, (as what human institution has not?) let us avoid them. Its beneficial arrangements let us adopt. Let us not be turned aside by its name, nor be lured by its pretensions. Try it by its works, and adopt or condemn it by its fruits. *No more experiments.* I speak as to wise men; judge ye what I say."*

"I am one of a few who ever dared to think that republicanism was a failure from its inception, and I have never shrunk from giving my opinion when it was worth while. I have never wished to see this Union disrupted; but if it must be, then I raise my voice for a return to a

"CONSTITUTIONAL MONARCHY."

"COLUMBIA, SOUTH CAROLINA, December 5, 1860.

"Yesterday the debate in the House of Representatives was unusually warm. The parties arrayed against each other in the matter of organizing an army, and the manner of appointing the commanding officers, used scathing language, and debate ran high throughout the session. So far as I am able to judge, both the opposing parties are led on by bitter prejudices. The Joint Military Committee, with two or three exceptions, have pertinaciously clung to the idea that a standing army of paid volunteers, to be raised at once, to have the power of choosing their officers, up to captain, and to require all above to be appointed by the Governor, is the organization for the times. Mr. Cunningham, of the House, who is put forward by the committee to take all the responsibility of extreme sententious, has openly avowed his hatred of democracy in the camp. He considered the common soldier as incapable of an elective choice. He and others of his party wage a bitter war against democracy, and indicate an utter want of faith in the ability of the people to make proper choice in elections.

"The party opposed to this, the predominant party, is ostensibly led in the House by Mr. McGowan, of Abbeville, and Mr. Moore, of Anderson. These gentlemen have a hard fight of it. They represent the democratic sentiments of the rural districts, and are in opposition to the Charleston clique, who are urged on by Edward Rhett, Thomas Y. Simmon, and B. H. Rhett, Jr., of the Charleston Mercury. The tendencies of these gentlemen are all towards a dictatorship, or monarchical form of government; at least it appears so to my mind, and I find myself not alone in the opinion. They fight heart and soul for an increase of gubernatorial power; and one of their number, as I have already

stated, openly avows his desire to make the Governor a military chieftain, with sovereign power."—*Correspondence of the Baltimore American.*

Mr. JOHNSON, of Tennessee. Mr. President, I have merely called attention to these surface indications for the purpose of sustaining the assumption that even the people in the southern States ought to consider what kind of government they are going to pass under, before they change the present one. We are told that the present Constitution would be adopted by the new confederacy, and in a short time everything would be organized under it. We find here other indications, and we are told from another quarter that another character of government is more preferable. We know that, North and South, there is a portion of our fellow-citizens who are opposed to a government based on the intelligence and will of the people. We know that power is always stealing from the many to the few. We know that it is always vigilant and on the alert; and now that we are in a revolution, and great changes are to be made, should we not, as faithful sentinels, as men who are made the guardians of the interests of the Government, look at these indications and call the attention of the country to them? Is it not better to

"Bear those ills we have,
Than fly to others that we know not of?"

We see, by these indications, that it is contemplated to establish a monarchy. We see it announced that this Government has been a failure from the beginning. How has it been a failure? Now, in the midst of a revolution, while the people are confused, while chaos reigns, it is supposed by some that we can be induced to return to a constitutional or absolute monarchy. Who can tell that we may not have some Louis Napoleon among us, who may be ready to make a *coup d'état*, and enthrone himself upon the rights and upon the liberties of the people? Who can tell what kind of government may grow up? Hence the importance, in advance, of considering maturely and deliberately before we give up the old one.

I repeat again that the people of Tennessee will never pass under another government that is less republican, less democratic in all its bearings, than the one under which we now live, I care not whether it is formed in the North or the South. We will occupy an isolated, a separate and distinct position, before we will do it. We will pass into that fractional condition to which I have alluded before we will pass under an absolute or a constitutional monarchy. I do not say that this is the design North or South, or perhaps of any but a very small portion; but it shows that there are some who, if they could find a favorable opportunity, would fix the description of government I have alluded to on the great mass of the people. Sir, I will stand by the Constitution of the country as it is, and by all its guarantees. I am not for breaking up this great Confederacy. I am for holding on to it as it is, with the mode and manner pointed out in the instrument for its own amendment. It was good enough for Washington, for Adams, for Jefferson, and for Jackson. It is good enough for us. I intend to stand by it,

and to insist on a compliance with all its guarantees, North and South.

Notwithstanding we want to occupy the position of a breakwater between the northern and the southern extremes, and bring all together if we can, I tell our northern friends that the constitutional guarantees must be carried out; for the time may come when, after we have exhausted all honorable and fair means, if this Government still fails to execute the laws, and protect us in our rights, it will be at an end. Gentlemen of the North need not deceive themselves in that particular; but we intend to act in the Union and under the Constitution, and not out of it. We do not intend that you shall drive us out of this house that was reared by the hands of our fathers. It is our house. It is the constitutional house. We have a right here; and because you come forward and violate the ordinances of this house, I do not intend to go out; and if you persist in the violation of the ordinances of the house, we intend to eject you from the building and retain the possession ourselves. We want, if we can, to stay the heated, and I am compelled to say, according to my judgment, the rash and precipitate action of some of our southern friends, that indicates red hot madness. I want to say to those in the North, comply with the Constitution and preserve its guarantees, and in so doing save this glorious Union and all that pertains to it. I intend to stand by the Constitution as it is, insisting upon a compliance with all its guarantees. I intend to stand by it as the sheet anchor of the Government; and I trust and hope, though it seems to be now in the very vortex of ruin, though it seems to be running between Charybdis and Scylla, the rock on the one hand and the whirlpool on the other, that it will be preserved, and will remain a beacon to guide, and an example to be imitated by all the nations of the earth. Yes, I intend to hold on to it as the chief ark of our safety, as the palladium of our civil and our religious liberty. I intend to cling to it as the shipwrecked mariner clings to the last plank, when the night and the tempest close around him. It is the last hope of human freedom. Although denounced as an experiment by some who want to see a constitutional monarchy, it has been a successful experiment. I trust and I hope it will be continued; that this great work may go on.

Why should we go out of the Union? Have we anything to fear? What are we alarmed about? We say that you of the North have violated the Constitution; that you have trampled under foot its guarantees; but we intend to go to you in a proper way, and ask you to redress the wrong, and to comply with the Constitution. We believe the time will come when you will do it, and we do not intend to break up the Government until the fact is ascertained that you will not do it. Where is the grievance; where is the complaint that presses on our sister, South Carolina, now? Is it that she wants to carry slavery into the Territories; that she wants protection to slavery there? How long has it been since, upon this very floor, her own Senators voted that it was not necessary to make a statute now for the protection of slavery in the Territories? No longer ago

than the last session. Is that a good reason? They declared, in the resolutions adopted by the Senate, that when it was necessary they had the power to do it; but that it was not necessary then. Are you going out for a grievance that has not occurred, and which your own Senators then said had not occurred? Is it because you want to carry slaves to the Territories? You were told that you had all the protection needed; that the courts had decided in your behalf, under the Constitution; and that, under the decisions of the courts, the law must be executed.

We voted for the passage of resolutions that Congress had the power to protect slavery, and that Congress ought to protect slavery when necessary and wherever protection was needed. Was there not a majority on this floor for it; and if it was necessary then, could we not have passed a bill for that purpose without passing a resolution saying that it should be protected wherever necessary? I was here; I know what the substance of the proposition was, and the whole of it was simply to declare the principle that we had the power, and that it was the duty of Congress, to protect slavery when necessary, in the Territories or wherever else protection was needed. Was it necessary then? If it was, we had the power, and why did we not pass the law?

The Journal of the Senate records that on the 25th of May last—

“On motion by Mr. BROWN, to amend the resolution by striking out all after the word ‘resolved,’ and in lieu thereof inserting:

“That experience having already shown that the Constitution and the common law, unaided by statutory enactments, do not afford adequate and sufficient protection to slave property; some of the Territories having failed, others having refused, to pass such enactments, it has become the duty of Congress to interpose and pass such laws as will afford to slave property in the Territories that protection which is given to other kinds of property.

“It was determined in the negative—yeas 3, nays 42.

“On motion by Mr. BROWN, the yeas and nays being desired by one fifth of the Senators present. Those who voted in the affirmative, are:

“Messrs. Brown, Johnson of Arkansas, and Mallory.

“Those who voted in the negative, are:

“Messrs. Benjamin, Bigler, Bragg, Bright, Chesnut, Clark, Clay, Clingman, Crittenden, Davis, Dixon, Doolittle, Fitzpatrick, Foot, Foster, Green, Grimes, Gwin, Hamlin, Harlan, Hemphill, Hunter, Iverson, Johnson of Tennessee, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Slidell, Ten Eyck, Thompson, Toombs, Trumbull, Wigfall, Wilson, and Yulee.”

I was going on to say that the want of protection to slavery in the Territories cannot be considered a grievance now. That is not the reason why she is going out, and going to break up the Confederacy. What is it, then? Is there any issue between South Carolina and the Federal Government? Has the Federal Government failed to comply with, and to carry out, the obligations that it owes to South Carolina? In what has the Federal Government failed? In what has it neglected the interest of South Carolina? What law has it undertaken to enforce upon South Carolina that is unconstitutional and oppressive?

If there are grievances, why cannot we all go together, and write them down, and point them out to our northern friends after we have agreed on what those grievances are, and say, “here is what we demand; here our wrongs are enumerated; upon these terms we have agreed; and

now, after we have given you a reasonable time to consider these additional guarantees in order to protect ourselves against these wrongs, if you refuse them, then, having made an honorable effort, having exhausted all other means, we may declare the association to be broken up, and we may go into an act of revolution.” We can then say to them, “You have refused to give us guarantees that we think are needed for the protection of our institutions and for the protection of our other interests.” When they do this, I will go as far as he who goes the furthest.

I tell them here to-day, if they do not do it, Tennessee will be found standing as firm and unyielding in her demands for those guarantees in the way a State should stand, as any other State in this Confederacy. She is not quite so belligerent now. She is not making quite so much noise. She is not as blustering as Sempronius was in the council in Addison’s play of *Caio*, who declared that his “voice was still for war.” There was another character there, Lucius, who was called upon to state what his opinions were; and he replied that he must confess his thoughts were turned on peace; but when the extremity came, Lucius, who was deliberative, who was calm, and whose thoughts were upon peace, was found true to the interests of his country. He proved himself to be a man and a soldier; while the other was a traitor and a coward. We will do our duty; we will stand upon principle, and defend it to the last extremity.

We do not think, though, that we have just cause for going out of the Union now. We have just cause of complaint; but we are for remaining in the Union, and fighting the battle like men. We do not intend to be cowards, and turn our backs on our own camps. We intend to stay and fight the battle here upon this consecrated ground. Why should we retreat? Because Mr. Lincoln has been elected President of the United States? Is this any cause why we should retreat? Does not every man, Senator or otherwise, know that if Mr. Breckinridge had been elected, we should not be to-day for dissolving the Union? Then what is the issue? It is because we have not got our man. If we had got our man, we should not have been for breaking up the Union; but as Mr. Lincoln is elected, we are for breaking up the Union! I say no. Let us show ourselves men, and men of courage.

How has Mr. Lincoln been elected, and how have Mr. Breckinridge and Mr. Douglas been defeated? By the votes of the American people, cast according to the Constitution and the forms of law, though it has been upon a sectional issue. It is not the first time in our history that two candidates have been elected from the same section of country. General Jackson and Mr. Calhoun were elected on the same ticket; but nobody considered that cause of dissolution. They were from the South. I oppose the sectional spirit that has produced the election of Lincoln and Hamlin, yet it has been done according to the Constitution and according to the forms of law. I believe we have the power in our own hands, and I am not willing to shrink from the responsibility of exercising that power.

How has Lincoln been elected, and upon what basis does he stand? A minority President by nearly a million votes; but had the election taken place upon the plan proposed in my amendment of the Constitution, by districts, he would have been this day defeated. But it has been done according to the Constitution and according to law. I am for abiding by the Constitution; and in abiding by it I want to maintain and retain my place here and put down Mr. Lincoln and drive back his advances upon southern institutions, if he designs to make any. Have we not got the brakes in our hands? Have we not got the power? We have. Let South Carolina send her Senators back; let all the Senators come; and on the 4th of March next we shall have a majority of six in this body against him. This successful sectional candidate, who is in a minority of a million, or nearly so, on the popular vote, cannot make his Cabinet on the 4th of March next unless this Senate will permit him.

Am I to be so great a coward as to retreat from duty? I will stand here and meet the encroachments upon the institutions of my country at the threshold; and as a man, as one that loves my country and my constituents, I will stand here and resist all encroachments and advances. Here is the place to stand. Shall I desert the citadel, and let the enemy come in and take possession? No. Can Mr. Lincoln send a foreign minister, or even a consul, abroad, unless he receives the sanction of the Senate? Can he appoint a postmaster whose salary is over a thousand dollars a year without the consent of the Senate? Shall we desert our posts, shrink from our responsibilities, and permit Mr. Lincoln to come with his cohorts, as we consider them, from the North, to carry off everything? Are we so cowardly that now that we are defeated, not conquered, we shall do this? Yes, we are defeated according to the forms of law and the Constitution; but the real victory is ours—the moral force is with us. Are we going to desert that noble and that patriotic band who have stood by us at the North; who have stood by us upon principle, and upon the Constitution? They stood by us and fought the battle upon principle; and now that we have been defeated, not conquered, are we to turn our backs upon them and leave them to their fate? I, for one, will not. I intend to stand by them. How many votes did we get in the North? We got more votes in the North against Lincoln than the entire southern States cast. Are they not able and faithful allies? They are; and now, on account of this temporary defeat, are we to turn our backs upon them and leave them to their fate?

We find, when all the North is summed up, that Mr. Lincoln's majority there is only about two hundred thousand on the popular vote; and when that is added to the other vote cast throughout the Union, he stands to-day in a minority of nearly a million votes. What, then, is necessary to be done? To stand to our posts like men, and act upon principle; stand for the country; and in four years from this day, Lincoln and his administration will be turned out, the worst-defeated and broken-down party that ever came into power. It is an inevitable result from the

combination of elements that now exist. What cause, then, is there to break up the Union? What reason is there for deserting our posts and destroying this greatest and best Government that was ever spoken into existence?

I voted against him; I spoke against him; I spent my money to defeat him; but still I love my country; I love the Constitution; I intend to insist upon its guarantees. There, and there alone, I intend to plant myself, with the confident hope and belief that if the Union remains together, in less than four years the now triumphant party will be overthrown. In less time, I have the hope and belief that we shall unite and agree upon our grievances here and demand their redress, not as suppliants at the footstool of power, but as parties to a great compact; we shall say that we want additional guarantees, and that they are necessary to the preservation of this Union; and then, when they are refused deliberately and calmly, if we cannot do better, let the South go together, and let the North go together, and let us have a division of this Government without the shedding of blood, if such a thing be possible; let us have a division of the property; let us have a division of the Navy; let us have a division of the Army, and of the public lands. Let it be done in peace, and in a spirit that should characterize and distinguish this people. I believe we can obtain all our guarantees. I believe there is too much good sense, too much intelligence, too much patriotism, too much capability, too much virtue, in the great mass of people to permit this Government to be overthrown.

I have an abiding faith, I have an unshaken confidence in man's capability to govern himself. I will not give up this Government that is now called an experiment, which some are prepared to abandon for a constitutional monarchy. No; I intend to stand by it, and I entreat every man throughout the nation who is a patriot, and who has seen, and is compelled to admit, the success of this great experiment, to come forward, not in heat, not in fanaticism, not in haste, not in precipitancy, but in deliberation, in full view of all that is before us, in the spirit of brotherly love and fraternal affection, and rally around the altar of our common country, and lay the Constitution upon it as our last libation, and swear by our God, and all that is sacred and holy, that the Constitution shall be saved, and the Union preserved. Yes, in the language of the departed Jackson, let us exclaim that the Union, "the Federal Union, it must be preserved."

Are we likely, when we get to ourselves, North and South, to sink into brotherly love? Are we likely to be so harmonious in that condition as some suppose? What did we find here the other day among our brother Senators, one of whom referred to a southern Governor? I allude to it only to show the feeling that exists even among ourselves. I am sometimes impressed with the force of Mr. Jefferson's remark, that we may as well keep the North to quarrel with, for if we have no North to quarrel with, we shall quarrel among ourselves. We are a sort of quarrelsome, pugnacious people; and if we cannot get a quarrel from one quarter, we shall have it from another.

and I would rather quarrel a little now with the North than be quarreling with ourselves. Because the Governor of a southern State was refusing to convee the Legislature to hasten this movement that was going on throughout the South; and because he objected to that course of conduct, what did a Senator say here in the American Senate? The question was asked if there was not some Texan Brutus that would rise up and rid the country of the hoary-headed traitor! This is the language that a Senator used. This is the way we begin to speak of southern Governors. Yes; to remove an obstacle in our way, we must have a modern Brutus who will go to the capital of a State and assassinate a Governor to accelerate the movement. If we are so unscrupulous in reference to ourselves, and in reference to the means we are willing to employ to consummate this dissolution, then it does not look very much like harmony among ourselves after we get out of it.

Mr. President, I have said much more than I anticipated when I commenced; and I have said more now (though external appearances seem different) than I have strength or health to say; but if there is any effort of mine that would preserve this Government till there is time to think, till there is time to consider, even if it cannot be preserved any longer; if that end could be secured by making a sacrifice of my existence and offering up my blood, I would be willing to consent to it. Let us pause in this mad career; let us hesitate; let us consider well what we are doing before we make a movement. I believe that, to a certain extent, dissolution is going to take place. I say to the North, you ought to come up in the spirit which should characterize and control the North on this question; and you ought to give those indications in good faith that will approach what the South demands. It will be no sacrifice

on your part. It is no supplicancy on ours, but simply a demand of right. What concession is there in doing right? Then, come forward. We have it in our power—yes, this Congress here today has it in its power to save this Union, even after South Carolina has gone out. Will they not do it? You can do it. Who is willing to take the dreadful alternative without making an honorable effort to save this Government? This Congress has it in its power day-to-day to arrest this thing, at least for a season, until there is time to consider about it, until we can act discreetly and prudently, and I believe arrest it altogether.

Shall we give all this up to the Vandals and the Goths? Shall we shrink from our duty, and desert the Government as a sinking ship, or shall we stand by it? I, for one, will stand here until the high behest of my constituents demands me to desert my post; and instead of laying hold of the columns of this fabric and pulling it down, though I may not be much of a prop, I will stand with my shoulder supporting the edifice as long as human effort can do it.

In saying what I have said on this occasion, Mr. President, I have done it in view of a duty that I felt I owed to my constituents; to my children; to myself. Without regard to consequences, I have taken my position; and when the tug comes, when Greeks shall meet Greeks, and our rights are refused after all honorable means have been exhausted, then it is that I will perish in the last breach; yes, in the language of the patriot Emmet, "I will dispute every inch of ground; I will burn every blade of grass; and the last intrenchment of freedom shall be my grave." Then, let us stand by the Constitution; and in preserving the Constitution we shall save the Union; and in saving the Union, we save this, the greatest Government on earth.

I thank the Senate for their kind attention.

